

Slaughter
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)

Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman
Schultz
Waters

Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—10

Bachus
Cardoza
Evans
Gonzalez

Kennedy (RI)
Meehan
Murphy
Nadler

Osborne
Smith (WA)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1344

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 5122, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2007

The SPEAKER pro tempore. The pending business is the vote on adoption of House Resolution 806 on which the yeas and nays are ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 351, nays 70, not voting 11, as follows:

[Roll No. 133]

YEAS—351

Aderholt
Akin
Alexander
Andrews
Baca
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Berkley
Berman
Berry
Biggart
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine

Brown-Waite,
Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Cardin
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Costa
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (KY)
Davis (TN)

Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxy
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons

Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseeth
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Honda
Hoolley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Israel
Issa
Istook
Jackson-Lee
(TX)
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Larsen (WA)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas

Lungren, Daniel
E.
Mack
Maloney
Manzullo
Marchant
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Meek (FL)
Melancon
Mica
Millender-
McDonald
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moore (KS)
Moran (KS)
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Ortiz
Otter
Oxley
Fallone
Pascarell
Pastor
Paul
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross

Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda
T.
Sanchez, Loretta
Saxton
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Snyder
Sodrel
Souder
Spratt
Stearns
Strickland
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman
Schultz
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wynn
Young (AK)
Young (FL)

NAYS—70

Abercrombie
Ackerman
Allen
Baird
Baldwin
Becerra
Blumenauer
Capuano
Conyers
Cooper
Costello
Davis (IL)
DeFazio
Delahunt
Dingell
Doggett
Fattah
Filner
Frank (MA)

Grijalva
Gutierrez
Hastings (FL)
Hinchey
Holt
Inslee
Jackson (IL)
Jefferson
Kaptur
Kilpatrick (MI)
Kucinich
Lantos
Larson (CT)
Lee
Lynch
Markey
McDermott
McGovern
McKinney

Solis
Stark
Stupak
Taylor (MS)
Thompson (CA)

Tierney
Velázquez
Waters
Watson
Watt

Waxman
Woolsey
Wu

NOT VOTING—11

Cardoza
Evans
Gonzalez
Gordon

Kennedy (RI)
Lewis (GA)
Meehan
Murphy

Osborne
Reynolds
Smith (WA)

□ 1353

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. MURPHY. Mr. Speaker, I regret that I was unable to be present for the following roll-call votes today due to a death in the family. Had I been present, let the RECORD reflect that I would have voted “yea” on H.R. 5143, “yea” on House Resolution 805, and “yea” on House Resolution 806.

GENERAL LEAVE

Mr. HUNTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 5122.

The SPEAKER pro tempore (Mr. DANIEL E. LUNGREN of California). Is there objection to the request of the gentleman from California?

There was no objection.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2007

Mr. HUNTER. Mr. Speaker, I ask unanimous consent that during consideration of H.R. 5122, pursuant to House Resolution 806, general debate shall not exceed 2 hours equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 806 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 5122.

□ 1355

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5122) to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2007, and for other purposes, with Mr. GINGREY in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

Pursuant to the order of the House of today, the gentleman from California (Mr. HUNTER) and the gentleman from Missouri (Mr. SKELTON) each will control 60 minutes.

The Chair recognizes the gentleman from California.

Mr. HUNTER. Mr. Chairman, I yield myself such time as I may consume.

Last week the Committee on Armed Services reported out a bill that very clearly reflects our steadfast support for our service members and their families, our deep appreciation for their many sacrifices, and the strong bipartisan spirit that characterizes this committee.

Passing with a committee vote of 60-1, the National Defense Authorization Act for Fiscal Year 2007 provides for both near and long-term military personnel and force structure requirements, and highlights the need for improvements in acquisition processes and cooperation among key Federal agencies.

Mr. Chairman, the legislation provides \$512.9 billion for the Department of Defense and the security programs of the Department of Energy. We include a recommendation of active duty growth of 30,000 for the Army and 5,000 for the Marine Corps above the President's budget request.

We also include a supplemental bridge fund of some \$50 billion to support our troops operating in Afghanistan, Iraq and other places in the global war on terrorism, and this, Mr. Chairman, is to provide for a seamless continuity in the waning calendar months of this year so that our troops continue to be well supplied before any supplementals in the following year.

Mr. Chairman, we appreciate the National Guard and Reserve, and we have provided for additional end strength up to 350,000, and we also have right now a series of other enhancements that are being looked at by the special commission chartered by this body and the other body and the President to address National Guard issues. We are going to be doing that. We are going to be getting their recommendations shortly, and those recommendations may be manifested in a bill to follow this one.

But this year, taking care of our troops and protecting our troops has been a real priority, and we have included additional money, in excess of \$100 million, for jamming devices to handle roadside bombs. We have included additional money for greater armor in our platforms, better armor with our new technology in the body armor units that are issued so our Army and Marine Corps personnel, in fact all personnel who are stationed in this theater, and we are spending a lot of resources protecting our forces, protecting the troops.

Additionally, Mr. Chairman, we look over the horizon and we look at potential trouble spots around the world, security challenges over the next 5, 10, 15, 20 years, and we do a few other

things, and our very able chairmen of the subcommittees are going to describe a lot of the things that we do with respect to equipment and personnel in detail. But we keep a little more insurance, perhaps, than the administration has in a couple of areas.

One is stealth attack aircraft. We used just a few percentage of these great F-117 stealth aircraft in the first gulf war, and yet they knocked out over 20 percent of the targets. This combination of stealth and precision munitions has been a very critical and important factor in the American security apparatus. We don't allow the Air Force to move so quickly to retire those stealth aircraft until we get others online.

We also retain a greater part of our bomber force. That has been the backbone of our deep strike for many, many years. We don't have a new bomber program right now and we don't want to let quite as many of those birds go before we are well embarked on this new bomber program.

□ 1400

As you move across the modernization spectrum, Mr. Chairman, our members have done an extraordinary job in putting together packages for our special operators, for our line troops, for our Guard and Reserve. We have also done some great things for people, for families.

We have extended TRICARE. We have completed this movement of coverage of TRICARE to our National Guard personnel. We have made prescription drugs more affordable. We have put an emphasis and an incentive on getting your medicine through the mail, because that is a much lower burden for the taxpayers of the United States and very convenient now for those recipients.

Mr. Chairman, we have great subcommittee chairmen and great ranking members. We are going to be recognizing them to tell us about this bill. I want to give my thanks to them and my special partner and friend, IKE SKELTON, who has put in countless hours leading on issues and developing issues and working to ensure that the people that wear the uniform of the United States have the very finest conditions and the very finest treatment for themselves and their family, and that America's defense remains the envy of the world.

I reserve the balance of my time, Mr. Chairman, with many thanks to all the committee, and all the staff, who helped to put this bill together.

Mr. SKELTON. Mr. Chairman, let me first begin by complimenting the chairman, DUNCAN HUNTER, as well as the subcommittee chairmen and ranking members. This is an excellent bill. I hope it will pass in due course by the substantial vote by this body. It authorizes \$462.9 billion for defense programs.

It also authorizes a supplemental authorization for \$50 billion that I believe

we should go beyond budgeting for foreseeable war costs in a supplemental fund. We should do it the proper way because we know at least within the realm of possibility what they are, and we would authorize those programs and activities. However, it is being done this way, and we will make the most of it, and we are at least following what is correct by authorizing that \$50 billion.

This also increases the end strength of the Army, Marines, protective vests, armored Humvees and additional equipment for the National Guard. Though it is still going to be short-changed, we are making substantial steps in equipping the National Guard. I think that a supplemental does not go far enough in that regard.

The bill also reserves the administration's plan or reverts to the administration's plan with regard to the Army National Guard and it fully funds the end strength at the authorized level. The administration recommended authorizing the full amount of troops for the Army National Guard that are there now, but paying for that number only rather than for the full amount that it should. We changed that in this bill.

We also take a look at the area regarding the Persian Gulf, and it is so very, very important that we take a look at that area. The bill addresses important quality-of-life issues that are at the top of the agenda for members and their families, a 2.7 percent pay raise.

It also does what we should have done some time ago, preserves the retiree benefits by keeping health care premiums under TRICARE at their current levels.

With this bill we take steps to ensure that our troops have the best possible equipment. We take a step toward doing better in the Navy by fully funding the ship steaming days and adding an additional \$400 million for advanced procurement for the Virginia class submarine; \$300 million more for the National Guard equipment, including the prepositioned stocks.

The bill also includes important bipartisan initiatives to address the future challenges. It directs the Secretary of Defense to provide Congress with a report on the Department's 10-year strategy for addressing threats posed by Iran to our country and to international security. This is terribly important because Iran is on the horizon, and hopefully we can take a good look at this and see what the report from the Department of Defense will say, which specifically addresses Iran's nuclear activities and the destabilizing influence that country has on the entire Middle East. Given the great challenges posed by Iran, that is a very important provision.

The bill also takes the first step at enhancing interagency coordination so that the United States truly is able to engage in a full range of national powers and pursue our national interest.

A number of years ago we passed what is known as the Goldwater-Nichols bill, which created a jointness among the various services. We need one hundred-fold of the coordination between the agencies of our government so we can pursue the national interest far better than we are today. The left hand often does not know what the right hand is doing.

But even with all these positive steps, this bill would be improved by a number of amendments that I am hopeful, Mr. Chairman, the Rules Committee will make in order: My amendment to lower the increased retail pharmacy copay fees for military families; the amendments offered by Mr. HOYER, Mr. UDALL and Mr. GORDON on energy security; the amendment offered by Mr. ANDREWS and other colleagues to increase funding for non-proliferation programs. We are simply not doing enough to deal with the weapons of mass destruction threat. The amendment by Mr. ISRAEL to require that chaplains demonstrate sensitivity, respect and tolerance towards service members of all faiths, that is terribly important.

Mr. Chairman, I sincerely hope that these amendments at the next go-round of the rules decisions will be made in order to make this bill all the better.

Mr. Chairman, let me take this opportunity to say a special thanks to JOEL HEFLEY and to LANE EVANS. JOEL HEFLEY, a subcommittee chairman for many years, LANE EVANS, ranking member of the Veterans' Affairs Committee, will be leaving us. This will be their last bill. We are so grateful for their tireless service through the years. We wish them all the best in the days ahead. We owe a special thanks to JOEL HEFLEY and LANE EVANS.

Mr. Chairman, I reserve the balance of my time.

Mr. HUNTER. Mr. Chairman, we are at a crossroads on a lot of our defense weapons systems. There is no one more capable or better trained to lead in these very important decisions than the gentleman from Pennsylvania (Mr. WELDON), who is the chairman of the Tactical Air and Land Forces Subcommittee.

Mr. Chairman, I yield the gentleman from Pennsylvania (Mr. WELDON) 6 minutes.

Mr. WELDON of Pennsylvania. Mr. Chairman, I thank my distinguished chairman and friend for yielding and thank the ranking member for his outstanding leadership, two great Americans.

You know, this city is filled with a rhetoric that we don't work well together, that we are at each other's throats, that we are partisan. This bill passed our committee with a vote of 61 to 1. This bill was done in a bipartisan way and has the support of members from both sides.

I am proud of the fact, Mr. Chairman, that my subcommittee, which has 28 members, for the 12th consecutive year

had no votes, no votes or suggested votes that would split our party along or our committee along party lines. My good friend NEIL ABERCROMBIE, my ranking member, and I worked together. He had great ideas. I took his ideas and suggestions and made them a part of the bill.

I want to say to our colleagues in this body and our people around the country, the Congress is working, we are working well together. We are doing good things. Now some would say that we don't have the right thing in the Congress to change what the White House and the Pentagon gives us. Hogwash. That is our job. If we hadn't done our job, we would not have had the Predator armed. It was this Congress mandated back in 1996 that we arm the Predator. It was this Congress in the 1990s, when the Clinton administration didn't request increases for pay for the troops, that plussed up the funding for the pay for the troops.

It is our responsibility to make change, and we have done it. It was this committee that recommended we put the \$25 billion up for the supplemental for the war. When the White House didn't want to do it, we led the effort, and everyone else followed.

Mr. Chairman, in this committee, in my mark we have increased \$1.5 million for up-armorizing Humvees. We have increased \$200 million for tactical radios for the troops to use. We have increased to \$69 million towards explosive jammers to allow our troops to be able to detonate these bombs before they are in the area or to make them not able to work.

We have increased technology that will reduce the weight of the equipment that our military officers and soldiers and officers have to wear when they are in combat situations in the theater of Iraq or in any place in the world.

This committee has also cut programs. There are some who say all we want to do is keep increasing defense spending. In my subcommittee alone, or our subcommittee, we cut \$678 million from programs that we felt the contractors were requesting too many dollars or the services were not properly overseeing. We cut the Joint Strike Fighter Program, Future Combat Systems, even the Presidential helicopter, because as my friend pointed out, Mr. ABERCROMBIE, we want the President to be flying in a safe platform when that helicopter is ready to go.

We took that money and we added \$276 million for M1s and Bradley fighting vehicles; \$408 million for an additional alternate engine for the Joint Strike Fighter to continue competition. We put hundreds of millions of dollars into our Guard and Reserve troops.

The role that this committee played is an unbelievable role. It is the legitimate role that was thought of in advance by our Founding Fathers when they designed our Constitution, that

we just do not rubber-stamp what the White House and the Pentagon tell us.

Mr. Chairman, this committee went through dozens and dozens of hearings. This chairman has had more briefings for us. In fact, Members of Congress walk around with their eyes partly closed because he has us up at 8:00 in the morning attending briefings and our markups and hearings go until late at night. The involvement of both our members from the other side and our members from this side produces a cooperative spirit where the resultant product, I think, is outstanding.

There may be some disagreements on floor. I can tell you, Mr. Chairman, I am so proud of the committee and the work that we did in delivering a 61-1 vote.

But it is not just about our troops. It is not just about giving them the best technology, the best training, the best equipment. We have also taken some bipartisan steps to increase the flexibility of using our cooperative threat reduction dollars, to go after those weapons of mass destruction, whether it is in North Korea or whether it is in Libya. In our bill in a joint bipartisan amendment with Mr. SPRATT, we have put language in providing flexibility for up to \$30 million to be used by the Pentagon to go into these areas without having to go back for a reprogram request to allow us to immediately take action against these deposits of WMD when we find them.

We have also put into place the Nuclear Strategy Forum. We happen to think there should be a national debate on what the use of nuclear weapons should be in the 21st century. Again with bipartisan support, we have put together a team of the best thinkers, the best academics in America, who in a bipartisan and nonpartisan way will hold meetings and hearings on what should be our nuclear posture. Should we in fact reduce our nuclear arsenal? Should we in fact look at testing? Should we in fact look to an alternative type of technology away from nuclear weapons totally?

That is a part of this bill. So it is not just about weapons systems. It is about a comprehensive approach that will allow us to maintain security and, in the end, avoid war, which is the ultimate objective I have as long as I am going to be a Member of this institution.

We also reauthorized the EMP Commission. I want to pay particular accolades to ROSCOE BARTLETT, our colleague, who has been out front on that issue for a decade warning us of the threat from the use of electromagnetic pulse. We have put into place a panel. That panel has now been reauthorized and are advising us on how we can protect America's infrastructure and weapons systems.

Mr. Chairman, there is a personal priority in this bill to me because I am also vice chairman of the Homeland Security Committee and I work on behalf of the Nation's firefighters.

You know our firefighters are our domestic defenders. Our soldiers are international defenders. Much of the technology we developed for the soldiers has direct application to our firefighters, our paramedics and our first responders, but we haven't done a good job in transferring that technology, whether it is thermal imagers or whether it is GPS capability. We need to give our first responders the same kind of protection that we give to our warfighters. In this bill, again with the cooperation of members on both sides, we put in a specific provision that focuses on the need to immediately transfer technology developed by our military people and put it into use for our domestic defenders.

I ask our colleagues to vote "yes" on this important domestic bill.

Mr. Chairman, I have the honor of serving as the Vice Chairman of the Armed Services Committee and as the Chairman of the Tactical Air and Land Forces Subcommittee.

I, first of all, want to thank my distinguished chairman for the leadership he continues to provide across the wide range of issues that come before our committee. And similarly, I would like to express my admiration for the ranking member, for the leadership and expertise he brings to the committee. To the gentleman from Hawaii (Mr. ABERCROMBIE), my ranking member, I thank him. He is a great American and it is great to work with him.

We have a great committee. Yes, there are contentious issues, but they get debated, we vote, and then we move on. We address the vast majority of issues in a what is best for the troops and taxpayer, non-partisan way. I cannot tell the Members how proud I am to serve on this committee. Every day that I serve in this institution, I am happy that we work so well together. This committee, I think, sets the example for the entire Congress, demonstrating that we can all work together. I think the best evidence of that is, we again had a vote out of committee of 61 of the 62 members coming together. Where we had areas of disagreement, we have been able to work those out. This is a real credit and testimony to this Congress and those 62 members who are on this committee and to our Chairman.

Those of us in the Subcommittee have two priorities: to take care of the troops and to do our best to hold DOD accountable for its acquisition programs.

This committee did this year what we have done for the prior two years to support our personnel in Iraq and Afghanistan. We have held hearings at the subcommittee and full committee level, pushing the Pentagon's bureaucracy to get the best available equipment to our personnel as soon as it can be properly tested—body and vehicle armor; improvised explosive device jammers, unmanned aerial vehicles, small arms, night vision equipment, and so on. It was this committee that first called for additional funding to up-armor our Humvees and take care of the troops that were in harm's way. It was this committee that led the White House two years ago in getting that first \$25 billion supplemental.

This bill makes big changes to programs and it makes seemingly small changes to programs that are yet very meaningful to the average soldier, sailor, marine, and airman. H.R.

5122 provides over \$1.5 billion in additional funds to procure up-armor Humvees and body armor to protect our personnel. The bill provides over \$200 million in additional funds to procure tactical handheld and small unit radios for ground forces, addressing urgent needs in Iraq. The bill also provides an additional \$69.0 million to produce and deploy 10,000 man-portable improvised explosive device jammers that can address a full spectrum of threats in theater.

At the same time increased authorization is provided for small arms and small arms technologies. The basic infantryman or marine entering combat can be required to carry combat configured loads of ammunition and equipment, that combined, can exceed 90 pounds. The bill contains funding to advance technologies that can reduce this carrying load through advancements in lightweight components for existing small arms and caseless ammunition.

With our military personnel at risk each and every day, supporting those personnel by providing them the proper equipment is where our number one priority must continue to be. We cannot shortchange the current force for a promised future capability.

Our military is facing major financial challenges in upgrading tactical aircraft programs, shipbuilding programs, and space programs. And the Army in particular is facing a major budgetary challenge in trying to fund its Future Combat Systems Program—a \$200 billion program; along with Modularity—a major restructuring and equipping of its combat brigade structure, a \$52.5 billion program; and Reset, repairing and remanufacturing equipment returning from Iraq and Afghanistan, a \$72.3 billion program.

The bill is about balancing the health and capability of the current force with the needs of future military capability.

Our concern with several programs is one of excess R&D and procurement concurrency. We have cut \$678 million from the Pentagon's request in programs within the subcommittee's jurisdiction. Both the Joint Strike Fighter, F-35, and Presidential Helicopter Program, the VH-71, have been reduced by a total of \$280 million because of our concerns that they are not meeting our "fly before buy" rule.

We make other changes that better balance current against promised future capabilities: \$276 million has been added for M-1 tank and Bradley fighting vehicle upgrades. Instead of the Army paying \$3 million per Bradley upgrade, if done at the minimum economic order quantity rate, the Army is paying \$8 million per vehicle—2½ times what we should be paying. Instead of paying \$5 million for an M-1 tank upgrade, the Army is paying \$7.4 million a tank. Our \$276 million recommended increase would fund the economic order quantity for each vehicle.

Finally, we seek to correct major last minute budget decisions by the Pentagon that seemingly make no sense whatsoever. An example is the alternate engine for the Joint Strike Fighter, the F-35. Congress has supported a competitive engine strategy for that program for the past ten years. The Pentagon proposes to terminate that program without having done any substantive analysis. It was a last minute decision to balance the books. We add back \$408 million to maintain competition in the F-35 engine development program. The Subcommittee believes engine competition is an

important ingredient in fielding an F-35 that is both capable and affordable.

In closing, I again want to thank my distinguished chairman and ranking members of the full committee and our subcommittee. This bill is deserving of a "yes" vote from every Member of this body.

□ 1415

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. ORTIZ).

Mr. ORTIZ. Mr. Chairman, I rise in support of this bill. I want to thank Chairman HUNTER and my ranking member, Mr. SKELTON, for their skills and leadership in addressing the military issues before us today. This bill provides for the needs of our troops and their families. I want to thank the staff also for their hard work and all they have done to get this bill out and get it on the floor today.

One of the most important parts of this bill is the attention given to the immediate readiness needs of our men and women in uniform. The bill takes action in addressing shortfalls in operations, training and maintenance, funding that the Department of Defense failed to address in their budget submission. Over \$850 million is moved into vital functions, such as ship steaming days, pre-positioned stocks, depot maintenance and training.

As the ranking member on the Readiness Subcommittee, I have worked very closely with my good friend, Chairman HEFLEY, to address these shortfalls while balancing the need for our military to transform itself to maintain its standing as the world's premier fighting force. We hate to see Chairman HEFLEY leave, who has done a great job and who is retiring.

Thank you for your leadership and commitment in building housing for the families and all you have done for our troops. We will never forget what you have done.

Also leaving is another good friend that came to Congress with me, LANE EVANS, who did a heck of a job looking after the welfare of veterans on this committee.

I thank again Chairman HUNTER and Mr. SKELTON for bringing us to where we are today.

Vote for this bill.

Mr. HUNTER. Mr. Chairman, I yield 6 minutes to the gentleman from Colorado, JOEL HEFLEY, who has done remarkable work in this Readiness Subcommittee, which controls such a big portion of the defense bill. The gentleman is a great friend to everyone who wears a uniform and is probably the best rodeo cowboy who has ever served in this House.

Mr. HEFLEY. Mr. Chairman, I thank you very much. I thank you, Mr. HUNTER, Mr. SKELTON and Mr. ORTIZ for the very kind words. You kind of went over the top when you said I was the best rodeo cowboy. The truth is I was and still am a rodeo cowboy, still enter some charity rodeos, but if there has ever been a rodeo cowboy serving

in this body, I would say that he probably is better than I am. But I appreciate the kind words and I appreciate your yielding me time.

The gentleman from California, our chairman, and the ranking member as well, there is no one in this body that has more of a heart for the soldiers, for the people who dedicate themselves to defending us, than these two gentlemen do, and I think this is exemplified in the bill that you have before you today.

I am very, very proud to endorse and support this bill, because it meets the needs of the men and women in uniform while protecting our national security, and I think we can be very proud of it.

I think also Mr. WELDON emphasized one thing that I think is important as an example, Mr. HUNTER, to our body here. So much of what we do in this body is for political advantage, one party, the other party, to get political advantage. This bill is truly a bipartisan bill. When you have 61-1, for crying out loud, it means that we sat down and tried to solve the problems that we solved. And we didn't solve them as Democrats or Republicans; we solved them as Members of Congress trying to do the right thing for our troops. I think we can be proud of the bill from that standpoint as well.

The gentleman from Texas (Mr. ORTIZ) and the other members of the Readiness Subcommittee and I worked very closely to examine the Department's funding for the military readiness, which includes \$129.8 billion in operation and maintenance funds, as well as approximately \$16.7 billion for military construction and implementation of the 2005 base closure and realignment round.

The actions we took this year balanced the current operations and maintenance needs of our Armed Forces with the need to transform our military into the force of tomorrow. We looked at the readiness levels of our military units, including the adequacy of training programs, the maintenance of equipment in theater and the service's ability to reset and recapitalize equipment that returns from war.

Our work led us to the conclusion that more needs to be done to support our core readiness needs, and, therefore, the bill before us today fully funds basic requirements such as ship operations, aircraft flying hours and depot maintenance.

The bill also requires the Army and Navy to fund these critical readiness requirements before embarking on costly modernization programs. This requirement is significant as it will ensure that transformation of the services does not come at the expense of today's military readiness.

It is also worth noting that this bill provides more than \$10 billion for the construction of structures that range from child development centers to critical readiness facilities. I have seen many of the facilities where the serv-

icemembers live and work, and I must say that these funds are badly needed. It is our responsibility to ensure that our servicemembers and their families live, work and play in modern and well-maintained facilities and homes. To do anything else threatens our Nation's ability to retain the best and the brightest people in the ranks of our military.

Several years ago, we began to look at where our servicemembers live and work, and in many cases it was third-world conditions, and we have been whacking away at this over the years to try to provide a decent place to live and work for everybody who wears the uniform.

Mr. Chairman, the bill before us is certainly worthy of our support, and I urge my colleagues to join me in voting for it.

Mr. SKELTON. Mr. Chairman, I yield 3 minutes to the gentleman from Hawaii (Mr. ABERCROMBIE).

(Mr. ABERCROMBIE asked and was given permission to revise and extend his remarks.)

Mr. ABERCROMBIE. Mr. Chairman, I thank Chairman HUNTER and Mr. SKELTON for the opportunity. I stand here today in support of the bill moving forward, but I have a caveat that I hope will be able to be addressed before we come to a final conclusion.

As the chairman knows, my original opposition was to what has been termed the "bridge fund"; upon reconsideration, I have become a strong advocate of it. For those not familiar with it, the bridge fund is a legitimate methodology for the authorizing committee to deal with the actual cost of deployments of our Armed Forces throughout the world.

Presently, the bridge fund will deal only with approximately 6 months' worth of costs associated, expenditures associated, with these deployments. As a result then we will have to take up yet another supplemental budget, probably just after the first of the year, within a month or so, and that will, in turn, find us dealing with other requests, other emergencies, that will be included in this so-called supplemental budget. It is not an emergency that we need funding for for our deployments overseas, but rather an admission and an acknowledgment of the true costs of these deployments overseas.

So, Mr. Chairman, I most certainly urge that we move the bill along and, at the same time, then take up this question of being straightforward and honest with the American people as to what the true costs are of our deployments and to see to it that the military does not have to cannibalize the existing budget and take us away from what I consider 100 percent support of the troops 50 percent of the time.

I believe, even though I am in opposition to much of what is the foundation for support, the irony in this is that those like myself who did not support the effort in Iraq as undertaken and have serious reservations about how

the war is being conducted, the military action is being conducted in Afghanistan, are actually being sustained in our position; rather than finding support for those who originally were for the war in Iraq or think that we are doing the right thing in Afghanistan, that position is being undermined because we are not being straightforward with people as to what the true costs are.

There is a case of unease in the American public, I think, with regard to our present policies in Iraq and Afghanistan because we do not have a straightforward, honest approach with the American people as to what the costs are. I believe the American people will pay any costs to protect our security if they feel that we are being honest and straightforward about it.

We need to do that. We need to bring the bridge fund in our authorization up to the actual cost, and not undermine the good work that has been on this bill this year.

Mr. Chairman, as the ranking minority member of the Air and Land Forces Subcommittee of the HASC, I am pleased to support H.R. 5122. I also want to commend my chairman and partner on the Air and Land Forces Subcommittee, Congressman KURT WELDON, for his nonpartisan approach to our subcommittee's portion of this bill.

The procurement and research portions of this bill that the Air and Land Forces Subcommittee oversees strikes an effective balance between getting our troops the equipment they need, ensuring that the equipment works, and ensuring that it is all acquired at a price the Nation can afford. Striking this balance is always difficult, but given the pressure on the DOD budget from the war in Iraq, this was an especially challenging year. I am pleased to support the procurement and research aspects of this bill as a good-government approach to making tough decisions when funds are limited.

This bill is a significant improvement over the procurement and research budget presented by the President in two critical ways. First, it is a more straightforward document that lays out what the committee decided the military's priorities should be, and what funding these priorities will actually cost. Second, it shifts funding from programs that are simply not working and moves those funds to programs that are working and are delivering effective equipment to the troops in the field today. With troops in combat the Congress has a non-negotiable obligation to weigh in heavily on the side of immediate and near-term needs of the military.

There are two programs that this bill takes some significant funding away from, and I want to address the committee's reasoning on these reductions, because they were both difficult decisions. The first is the Army's Future Combat System, which this bill cuts by \$325 million.

I want to be clear that this is not a move to punish the Army. Everyone on this committee recognizes that the Army is carrying the heaviest burden in the wars in Iraq and Afghanistan in terms lives lost and dollars spent. Every member of this committee also wants to ensure we have an Army that is ready today and prepared for the challenges of the future. The

problem is that the Army simply has too many bills to pay and not enough funding to cover all of them. Difficult choices had to be made.

The second program cut is to the VH-71 "Presidential Helicopter" program. This rather modest cut is based on the committee's concern that this program is being pushed too fast and is taking test and development risks that are clearly not appropriate and could be outright dangerous. I want to make it absolutely clear that the goal of this cut and some language in the bill is not to kill the program, or even scale back its size. Instead, it is a reflection of this committee's support for the principle of "fly before you buy" that must be followed, especially for a helicopter the President of the United States is going to fly in.

Given the demands of an ongoing war and the need to continue to buy and develop new equipment, this bill strikes an appropriate balance given the funding available.

Despite my support for the bill, I did want to caveat that support in one important aspect: the lack of an authorization in this bill for the full-year cost of the wars in Iraq and Afghanistan.

In each of the past two years, the Congress has put some of the funding for the wars in Iraq and Afghanistan through the normal authorization and appropriations process. The rest of the funding for the year, however, has come through very large supplemental appropriations bills that the Armed Services Committee has been unable to oversee properly.

I have supported all of the Defense authorization and Defense Appropriations bills done under our normal budget procedures since the war in Iraq began. Putting the money in the normal budget would be best, but the "bridge fund" mechanism in the legislation before us today is arguably a reasonable middle ground between funding purely through supplementals and the normal budget process. Chairman Hunter deserves credit for coming up with this more honest approach.

This year, for whatever reason, the Administration only requested \$50 billion in additional funding in FY 2007 for the wars in Iraq and Afghanistan. This total is reflected in the bill as reported by the committee. During committee consideration of this bill, I had an amendment that sought to increase the amount of the bridge fund to \$92 billion so that it would reflect the likely full-year cost of combat operations overseas. Unfortunately this amendment was voted down by the majority.

Having a more realistic full-year figure in this bill would have improved this legislation's relevance and honesty. The troops overseas and the American people deserve to know what our best estimate of the cost of these wars will be in 2007.

Continuing to rely on massive supplemental, so-called "emergency" spending bills to pay for the war is both dishonest and fiscally unsound. I believe that the American people are willing to sacrifice to get the troops the funds they need, but instead of asking all Americans to sacrifice we are instead using a budget shell game to hide the real cost of the war. This shell game also allows massive tax cuts for the wealthy during a war which we are borrowing money from other nations to pay for. Funding the war in this manner is saddling our children and grandchildren with a massive debt that they will have to payoff in the future.

Overall, the bill before us today is a good bill, but choosing to only authorize 6 months of

funding for the troops in the field is like saying to them that the Congress supports you 100 percent for 50 percent of the year. I do not think that is the message that the House wants to send.

Mr. HUNTER. Mr. Chairman, the heart of this bill is the 2.5 million Americans that wear the uniform of the United States, and the subcommittee that oversees personnel issues and sets the pay raises and does personnel policy is headed by the gentleman from New York (Mr. McHUGH). This is an enormous job, and he has done a great job. I yield the gentleman 6 minutes.

Mr. McHUGH. Mr. Chairman, I thank the distinguished chairman for his kind comments and for the very generous allocation of time. I also want to thank my other colleagues who deferred to me to allow me to kind of go out of order because of another appointment I have. Gracious, as always.

Mr. Chairman, the chairman of the full committee is absolutely right. We have the honor on this subcommittee to deal really with what I think all of us believe are the very core issues of fielding any effective military, and that is caring for the men and women who proudly wear this uniform, of course, under our system voluntarily, and, equally important, ensuring that the kinds of programs that are necessary to take care of their loved ones, their families, as they deploy into such dangerous places as Iraq, Afghanistan, and the literally hundreds of other places across this planet in which our military and men and women serve today, protecting our freedoms, find themselves.

This is, as we have heard here, as is reflective of the entire committee, a truly bipartisan effort, and I want to thank, of course, the chairman of the full committee, the gentleman from California, for his amazing leadership in very, very difficult times; the support that he has so graciously acknowledged, and rightfully so, from the ranking member, the gentleman from Missouri, IKE SKELTON; and on the Personnel Subcommittee, for the support, for the leadership, for the guidance of our ranking member, the gentleman from Arkansas, Dr. Snyder.

It is tough in this day and age, as others, including the gentleman from Pennsylvania, have suggested, to put aside partisan politics at all times in this Nation's Capital, particularly in this, an even-numbered year. But if it is being done anywhere, it is being done most successfully, perhaps not perfectly, but most successfully on this Armed Services Committee, and I would argue, most strongly on this Personnel Subcommittee.

The name "personnel" can confuse some folks. It doesn't send a very clear message. But what we try to do is the best we possibly can, within limited resources, to care for those folks who have done such an amazing job.

We are all, very collectively, very proud of the fact that when members of

this committee come and talk about the achievements, significant achievements, of this bill, they generally more often than not talk about the provisions that first started in this Personnel Subcommittee:

The pay increase, the eighth consecutive year that it exceeds the general average pay increase in the Employment Cost Index, and the help that that provides, closing the gap between the civilian and the military sectors, down to a low now of 4 percent should this pay increase proposal prevail;

The kinds of things we have done in trying to take the next logical step towards controlling and keeping the cost of the military health care system affordable, but not doing it in a way that immediately inflicts what I would argue and I think my colleagues would agree is unnecessary and excessive pain in terms of the hundreds of percent of increase in copay and in enrollment fees and such through the TRICARE program;

The efforts we have made, at great expense, by the way, to add to the military end strength, recognizing that the demands we have placed upon our men and women in uniform are so significant. And one of the challenges we face is to ensure that there are sufficient numbers in the military, in the uniform, to try to assure a better and reasonable level of operations and personnel tempo, so folks who are coming home from theaters like in Iraq and Afghanistan have time to recoup, have time to unwind and spend time with their families.

□ 1430

The only way that can be done is through a reasonable extension and expansion of the numbers that we authorize in terms of putting men and women into particularly the Army, the Guard, and, of course, the Marine Corps as well.

Casualty assistance programs, recognizing that we are in a time of war, that there are difficulties in terms of those programs, and we have to ensure that the remains of military personnel who give their all, their ultimate in times of combat or who die of noncombat-related injuries in the theater of combat are moved and dedicated and brought home by military-leased aircraft and are processed in a timely and a humane and a respectful way, and on and on and on.

This is just a good bill from top to bottom. I would certainly, with a sense of pride, suggest that the 61-1 vote I think clearly illustrates that in the personnel sections this is a truly beneficial and truly progressive bill.

Mr. Chairman, I would urge all of my colleagues to support it.

Mr. SKELTON. I yield such time as he may consume to the ranking member of the Personnel Subcommittee, the gentleman from Arkansas (Mr. SNYDER).

Mr. SNYDER. Mr. Chairman, I want to acknowledge the work that the

ranking member has done on this bill, to work with Chairman HUNTER, also my Personnel Subcommittee chairman, Mr. McHUGH, for the work that he has done on this bill. He has given a good summary of the provisions and our concern for our men and women in uniform and their families.

Mr. Chairman, you know, I hope while I rise today in support of this bill, we certainly did have disagreements on the committee, and there are Members who are not on the committee that want to have the opportunity to present their ideas also.

We have approved one rule today that has made eight amendments in order. I hope tonight when the Rules Committee meets that most of the other amendments that have been requested will also be made in order. It would be ironic if while we are supporting our men and women in uniform fighting for democracy in Afghanistan and Iraq that the winds of democracy would be denied on the House floor in the consideration of the remainder of this bill tomorrow.

Mr. Chairman, what I wanted to do is just take a minute of time here today and talk about a provision that is not in the bill. Chairman HUNTER has heard some of these discussions before. But I am one of those, I think there are a fair number now, that believe that we really need to do some work on the Montgomery GI bill.

And we have got some bureaucratic issues that we have to deal with here in the Congress. The GI bill for veterans, those who are in the active component, is handled by the Veterans' Committee. The GI bill for the Reserve component, our Guard and Reserve force, is handled by the Armed Services Committee, and because of that, the active component benefit has had some inflationary increase through the years. We have not done that same kind of thing on a comparable basis for the Reserve component.

We also have a very unfair situation now where a person who is in the Reserve component is activated, serves overseas in a war for 12 months or longer, comes back and their enlistment contract ends. If they do not reenlist and stay in the Guard or Reserve forces, they get no GI bill benefits.

That is just terribly unfair. I say that as someone who many years ago, when I was a young man, enlisted in Marine Corps for 2 years, spent 12 months and 20 days in Vietnam, came back, was discharged from the military and actually received, for my 21½ months of total Marine Corps service 45 months in the GI bill.

Now, we just do not treat our Reserve component forces fairly. They could have spent 18 months in a war zone, get out of the Reserve and get no GI bill benefit. We need to work on that. Chairman McHUGH has committed himself to holding hearings on this issue. I know that Chairman BUYER on the Veterans' Committee is very interested in this issue. Somehow, Mr. Chairman,

we have to get the sides together on this and work through some of these issues. I appreciate your interest.

Mr. HUNTER. Mr. Chairman, the Strategic Forces Subcommittee is extremely important to our country, and the gentleman from Alabama (Mr. EVERETT) does a wonderful job of overseeing this very important dimension of national security.

Mr. Chairman, I yield 6 minutes to the gentleman from Alabama (Mr. EVERETT).

Mr. EVERETT. Mr. Chairman, I thank Chairman HUNTER. I would also like to say that under his leadership we certainly have produced one of the most bipartisan bills in one of the areas that is most important to our national defense, and I appreciate his leadership.

Mr. Chairman, I also appreciate Mr. SKELTON, my friend who is ranking member. And also let me say that we had an extremely bipartisan markup in my subcommittee, and this subcommittee handles some of the most controversial, contentious, complex issues in the defense industry. We could not have had such a bipartisan markup had it not been for my good friend from Texas (Mr. REYES), who is my ranking member of that subcommittee.

So it was an extremely good markup, and as we have seen now, that markup was followed by the full committee markup where the bill passed 61-1.

I want to say a few things about the bill. The need for providing support to ongoing operations in Iraq and the war on terrorism have appropriately been the focus of much of the committee's work this year. It is also important to examine our Nation's strategic posture and our ability to maintain a strong national defense, capable of projecting a powerful and diversified global force.

I am proud that our bill provides investments in the Nation's long-term need for transforming the Nation's capabilities of our strategic forces, and I am also proud that near-term benefits for our Armed Forces deployed around the world protecting our Nation at home is included in this bill.

In the Missile Defense Agency, the bill before you adds \$140 million to transition the Army's PAC-2 Patriot missile equipment to the PAC-3 configuration and funds upgrades to the Aegis ballistic defense system. These recommendations shift funds from longer term and less well-defined projects to near-term priorities.

In the area of military space, the bill makes adjustments to the budget request to address concerns about whether space program funds are executable in the year 2007. The bill also includes a provision to establish a Department of Defense Office of Operational Responsive Space to focus and advance the Nation's ability to provide on-demand space capabilities to global military operations.

Within the atomic energy defense activities, the bill funds the Department

of Energy programs at the budget request. The bill also includes a provision that requires the Secretary of Energy and the Secretary of Defense to submit to Congress a plan for the transformation of the nuclear weapons complex and authorizes funds for infrastructure upgrades.

In addition, Mr. Chairman, this is a problem that I frankly had gotten tired of seeing come before the subcommittee, and that is the Mixed Oxide, or MOX, fuel fabrication facilities and the agreements that we were trying to have with the Russians. The mark includes information that would uphold the nonproliferation objectives of the committee to begin disposition of weapons grade plutonium in the U.S. The problem is that we do not see any movement among the Russians. For a couple of years now we have been faced with this. I have become frankly a little tired of seeing it come before the Congress when we have seen no movement from the Russians to do away with their plutonium nor to reach any agreement with us to do so.

So an amendment was offered by Mr. WILSON. I asked the staff to look at a way that we can do this. There is an amendment offered by Mr. WILSON to delink the U.S. disposition of its plutonium from that of the Russians. That is also included in the mark.

The bill also adds \$40 million to other nuclear nonproliferation programs and \$50 million to environmental cleanup activities.

Mr. Chairman, the committee's report addresses administrative objectives, unfunded military requirements, and Member priorities. This is a good bill, as I said earlier. We simply could not have gotten this bill through the committee without the strong help from my good friend, Mr. REYES from Texas, and also from the members of the committee, both the minority members and the majority members, who really worked hard, as I said, on some of the most complex, controversial issues that are included in the entire defense bill.

So I would ask Members to take a strong look at this bill. Much like the subcommittee, it passed out of the full committee on a 61-1 vote. It is a bipartisan bill.

Finally, let me just simply say that much of this was achieved by the extremely hard work in my subcommittee by both staffs on the minority and the majority side.

I urge this bill to be passed. It is a very good bill.

Mr. SKELTON. Mr. Chairman, I yield 3 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I appreciate the gentleman's courtesy in permitting me to speak on this.

Mr. Chairman, I rise to thank Chairman HUNTER and Ranking Member SKELTON for the real progress that this legislation represents for our men and women in uniform.

I think this is truly landmark legislation in this regard. I also deeply appreciate the work of the committee

leadership in working with me to include section 311 to improve the management of our unexploded ordnance and munition response programs. This is going to pay dividends for our troops here at home.

In the long run it is going to save money for the taxpayers, and the more progress we make here we are going to develop technology and techniques that are going to make people safer around the world.

I do want to share a troubling story that came forth in my community this weekend of military recruitment abuse, a problem that frankly I thought was behind us.

An 18-year-old autistic high school student who, despite a clear disability, was recruited into the Army, in the calvary as a scout, despite the strong objection of his parents and in apparent violation of military rules.

After news media attention and our office intervened, the Army has recently back-pedaled. But this is an outrageous situation. I have heard from numerous sources that this young man was not even aware that we were fighting in Iraq when he was being recruited in and signed a contract to serve in the Army.

The evidence strongly suggests that the recruiters purposefully withheld information about his disability in order to circumvent the rules. This does not appear to be an isolated incident. Pentagon statistics show accusations of recruitment abuses are at record levels.

I have called upon the Secretary of Defense for an investigation at least in this situation, because we need to get to the bottom of it, and it is likely not just one isolated case around the country. To be the finest fighting force in the world, we must continue to demand the most rigorous standards of conduct at all ranks of the military, including recruiting.

Mr. Chairman, I hope that the Armed Services Committee will work with me as this bill moves forward to make sure that safeguards are in place to make sure what happened to this young student never happens again and, most important, to make sure the integrity of the people he would serve with are protected as well.

Thank you for your courtesy.

Mr. HUNTER. Mr. Chairman, I yield 4 minutes to the gentleman from Maryland (Mr. BARTLETT), who heads the Projection Forces Subcommittee, which oversees the construction of the platforms and our ships and our bomber forces and our airlift that projects American power around the world.

(Mr. BARTLETT of Maryland asked and was given permission to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Chairman, I rise in strong support of H.R. 5122, a truly bipartisan bill that supports our troops.

As chairman of the Subcommittee on Projection Forces, I want to recognize the outstanding service rendered to our great Nation by our men and women in

uniform around the globe here, meeting every challenge with true dedication and professionalism.

I also want to thank all Americans, especially the families of the deployed service members, for their unwavering support of our servicemen and women.

□ 1445

I want to thank the gentleman from Mississippi (Mr. TAYLOR), ranking member of the Projection Forces Subcommittee, for his extraordinary partnership and support in completing this bill.

Thank you, sir, so very much. I express my sincere gratitude to all of my colleagues and staff on the subcommittee for their diligence, commitment and hard work. Further, I would like to recognize our chairman, Mr. HUNTER, and ranking member, Mr. SKELTON, for their continued exemplary leadership in bringing this year's National Defense Authorization Act to the floor with unwavering bipartisanship and clear focus to providing our military what it needs to accomplish its mission.

I am pleased to report that the National Defense Authorization Act that we consider today takes bold steps to ensure our Nation's continued ability to safeguard our national interests and, when necessary, project U.S. military power around the globe.

We have taken action to provide our troops with the capabilities they need to meet current and emerging threats. But we also have taken precautions to ensure that current capabilities are not permanently or prematurely retired to fund future replacement capabilities that are either undefined or unaffordable.

Some of the Projection Forces highlights in this bill include: a program to infuse our shipyards with leading-edge manufacturing technology and management systems to reduce shipbuilding costs and return our shipyards to global competitiveness; legislative provisions that will improve the Navy's ability to execute the 313-ship plan envisioned by the Chief of Naval Operations by setting cost limitations at Navy budget estimates for the LHA(R), CVN-21 and LPD-17 programs; force structure initiatives that set a minimum requirement for 48 attack submarines and 299 strategic airlift aircraft and limited retirements of KC-135E and B-52 aircraft; 400 million in advance procurement funds to begin construction of a second Virginia class submarine in fiscal year 2009; \$300 million to procure three additional C-17 aircraft; and \$200 million to accelerate the DDG-51 destroyer modernization program by 2 years.

While there is much more to do, the National Defense Authorization Act for fiscal year 2007 is an important step in strengthening the Armed Forces of the United States. I urge all of my colleagues to support this bill.

Mr. SKELTON. Mr. Chairman, I yield 7 minutes to the gentlewoman from

Georgia (Ms. MCKINNEY), a member of the subcommittee.

Ms. MCKINNEY. Mr. Chairman, I anticipate today that mine will be one of the few votes against this bill, just as I cast the only dissenting vote on the bill in committee. I have submitted a thoroughgoing written statement of the reasons for my dissent.

President Theodore Roosevelt said, "To announce that there must be no criticism of the President, or that we are to stand by the President right or wrong, is not only unpatriotic and servile, but is morally treasonable to the American public."

The American public are expressing their criticism of our President and his war in opinion polls showing the President's approval rating is the lowest it has been during his tenure. But Congress continues to march in step with the President's war plans. The wars and military operations we are funding through this defense authorization act are based on a simple use of force authorization passed by this Congress in October of 2001, which was to have been linked to the provisions of the War Powers Act of 1973. Thus, it is Congress that paved the way for the disastrous war in Iraq, and Congress must accept that it too bears responsibility for this war.

No regular review of that authorization has taken place, which has been cited by the President to justify preemptive war, the creation of a dual legal system, military tribunals, imprisoning enemy combatants without due process, the abandonment of the Geneva Accords and U.N. principles relating to war, extralegal secret renditions involving illegal methods of interrogation, including torture, expanded secrecy and attacks on civil liberties at home.

Calls from the executive for ending the principle of separating military and civilian policing by rescinding the Posse Comitatus Act of 1878 should send a chill to all who value civil liberties. We are quick to honor our young men and women in uniform with words and medals, but do we honor them where it really counts, in the pocketbook? In the hospitals for amputees and third-degree burns? We must do a better job of representing the American people and our people in uniform.

Unchecked fraudulent recruitment, failed retention, violation of rights and regulations, stop-loss policies and over-rotation, lack of adequate protection for combat troops, protection of rights of conscience, diminished medical care for troops and their families, decreases in veterans benefits, environmental damage done by the manufacture, storage and use of military weapons, falsified benefits and bonuses, and privatization of functions all remain inadequately addressed by the passage of this bill, and in some cases, they are worsened.

By passing this bill virtually without dissent, the Congress is effectively legitimizing these unprecedented actions of the executive.

As we enter a fourth year of war in Iraq, the level of violence in Iraq continues unabated. It is higher than it has been at any time since the U.S.-led invasion of March 2003. As we enter a fifth year in Afghanistan, there is renewed violence and the specter of another drawn-out war. Meanwhile, our military budget continues to grow to unprecedented levels along with the deficits it is creating.

We now have a larger and more lethal military force and a more expanded intelligence budget and consolidation than we did at the height of the Cold War. That threat has receded, but the threat of unconsolidated and ill-equipped terrorist groups has been used to expand the funding of huge corporate contracts for weapons and war while denying the human suffering and needs that face us.

According to Pentagon figures, we are spending \$9 billion a month to wage wars in Iraq and Afghanistan. That comes to \$300 million a day, \$12.5 million an hour, over \$200,000 a minute, and \$3,500 a second.

After the Second World War, President Truman set up a commission to investigate war profiteering and the government asked that corporations plow their war profits back into social programs to help rebuild the postwar economy. But today, corporations are profiting from war and its related military activities as never before, with a green light from the White House to proceed, despite massive abuse, waste and corruption.

Our current military budget is larger than the budgets of every other major country in the world combined, both allies and perceived enemies. Our nuclear arsenal and other weapons systems are maintained and defended, while new systems with questionable utility are designed and promoted each year.

It is time for these wars to end and for alternative military budgets that reduce the waste on flawed weapons systems to be considered by this Congress. More diplomacy, less Pentagon waste on little or nonused weapons systems; less support for corrupt regimes in the developing world; more support for the judiciary and law-abiding regimes that respect human rights; and most of all, a global plan to eliminate poverty.

Those who commit acts of terrorism may not themselves be motivated by poverty, but they are able to thrive where they can exploit the hopes and dreams of the poor and the oppressed. As many have said, terrorism is a tactic, not an enemy. The victory over terrorism will not come through war, but through peace and prosperity.

Mr. HUNTER. Mr. Chairman, from the mountains of Afghanistan to the desert country of Iraq to the jungles of many hemispheres, Special Operations

and Special Forces personnel in the U.S. military are cognizant of an individual in this House who works for them night and day, and that is JIM SEXTON, who is the chairman of the Terrorism and Special Operations Subcommittee, and I want to recognize the gentleman for 4 minutes.

Mr. SEXTON. Mr. Chairman, I want to thank my great friend, Chairman HUNTER, for yielding me time and for those very kind words.

Mr. Chairman, I rise in strong support of H.R. 5122, the National Defense Authorization Act for the Fiscal Year 2007. Last week, the Committee on Armed Services approved this bill by an overwhelming bipartisan vote which was, as has been said here before, 60-1. It is not that we do not have policy disagreements, but when it comes to the final vote on a great bill that supports the troops, Members of both parties come together and vote in a resounding, positive way.

Our committee well knows that we are a Nation at war, and that the brave young men and women of America who have volunteered for military service are in danger every day in Afghanistan and Iraq and in other places in the world. Those infantrymen who venture from the base and patrol the street are truly valorous, but all of those who are in the line of fire and even in the most secure bases, they take an occasional mortar or rocket attack. And for risking themselves in this way, this country says, "Thank you."

Yet, we are making progress. I was privileged just a few short weeks ago to be on the floor of the fledgling Iraqi Parliament as the government was formed. They have a long way to go. But as a veteran legislator myself, it definitely had the feel of a legitimate and promising legislative body.

As matters in Iraq progress, we have taken measures to ensure that our broader efforts in the war on terrorism are improved and reinforced. To that end, we have begun to explore ways to improve interagency coordination process and included several items to improve the capabilities of the Special Operations Command.

We included two legislative measures to improve Pentagon processes. One would provide for more effective test and evaluation procedures, bringing them into synch with the rapid acquisition authorities which have already been provided to DOD; and the other would speed the development of information technology systems, putting a 5-year limit on the development of new business systems.

We continue our successful initiative of last year to develop novel chemical and biological countermeasures, and have supported programs for the equally important medical research and development programs.

We continue our scrutiny of the Department's information technology programs, though not as severely as in past years. In fact, our recommended reductions are barely 1 percent of the

requested \$31 billion in IT budget requests.

The bill recommended by the committee recognizes that we remain a Nation at war, but builds upon our capability to fight a more protracted, global war against unseen adversaries, the difficult-to-pinpoint, but nonetheless deadly and real, war against the small number of truly evil terrorists who wish to cripple Western Civilization.

We do not like to think about it, but this war came upon us on September 11 and will come to us again if we do not persevere. The enemy is clever, growing desperate, and must be taken seriously by the American people. This bill will help our soldiers keep the enemy on the defensive.

In closing, Mr. Chairman, I want to express my appreciation to the members of the Terrorism Subcommittee who contributed to this bill, and particularly the ranking member, Mr. MEEHAN. This is an excellent bill, and I urge all Members to vote "yes" on H.R. 5122.

Mr. SKELTON. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. REYES).

Mr. REYES. Mr. Chairman, I thank the gentleman from Missouri and congratulate him on his award that we announced on the floor yesterday.

Mr. Chairman, as the ranking member of the Strategic Forces Subcommittee, I rise in strong support of this bill and want to thank our chairman, Mr. HUNTER, and ranking member, Mr. SKELTON.

The Strategic Forces Subcommittee has jurisdiction over several complex and contentious issues, including ballistic missile defense and nuclear weapons. I want to recognize and thank our subcommittee chairman and my good friend from Alabama, Mr. EVERETT, for his leadership and all the effort that he puts into making this a truly bipartisan bill. I also want to thank the staff on both sides of the aisle for the truly great job they do and the tremendous work that goes into a bipartisan bill like this.

Sometimes we do not see eye to eye on every single matter, but I am pleased to report that this subcommittee reached bipartisan accord on several major issues.

In the short time that I have, I want to highlight three areas of bipartisan agreement: ballistic missile defense, conventional global strike capability, and operationally responsive space.

H.R. 5122 redistricts missile defense funding from longer-range programs, such as a multiple-kill vehicle, to near-term needs, such as buying upgrades for the Patriot and Aegis interceptors that can protect our servicemembers and allies today.

□ 1500

While we might disagree about whether further adjustments or reductions are possible from within the \$10.4 billion for missile defense programs, I commend the subcommittee chairman

for this good-faith effort and great work on this bipartisan agreement. This bill clearly reflects a bipartisan desire to obtain effective missile defense capabilities aimed at defeating real threats.

The bill also slows down development of an advanced global strike capability using the Trident missile in a conventional capacity. While not precluding development of this capability, the subcommittee has concerns that basing a conventional Trident missile on a traditionally nuclear platform could lead to misinterpretation by both our friends and potential adversaries of a launch of a conventional missile. There are real strategic implications of pursuing this capability. We must ensure that we have done all we can to avoid the potential for conflict escalation through misinterpretation.

Finally, the bill as reported contains a \$20 million add for operationally responsive space to encourage the Pentagon to pay more attention to the potential of smaller and less expensive satellites that might complement or supplement current expensive satellite systems designed for both military and intelligence purposes. We cannot expect small satellites to meet all mission requirements, but we need a more robust, focused effort to seriously explore their potential given the spiraling acquisition costs of our major satellite programs.

Mr. Chairman, there are differences in the way we approach some of these issues, but as we have seen this afternoon everyone gets an opportunity to express their views. Time does not permit me to describe in detail the rest of our subcommittee's mark and important issues, but I again want to thank our chairman, Mr. EVERETT, for his bipartisan leadership, our chairman of the committee and ranking member, and I commend this bill to my colleagues and hope that everyone will support this.

Mr. HUNTER. Mr. Chairman, I might add the gentleman who just spoke, the gentleman from Texas, has been to the warfighting theaters more than any other Member of either body in this Congress and we appreciate his great efforts.

Mr. Chairman, I yield 4 minutes to the gentleman from South Carolina (Mr. WILSON), who took the place of the great Floyd Spence, former chairman of this committee, and nobody has devoted more in terms of their personal effort toward national security or, in Mr. WILSON's case, more of their family members. The Wilson family wears the uniform of the United States.

Mr. WILSON of South Carolina. Mr. Chairman, thank you, and I appreciate your leadership and the cooperation of Ranking Member IKE SKELTON for developing the Defense Authorization Act. I am grateful that both of you have had family members as service members overseas in the global war on terrorism.

My support of this bill is as a Member of Congress, very proud to rep-

resent Fort Jackson, the Marine Air Station at Beaufort, Parris Island, the Beaufort Naval Hospital.

Additionally, I am very grateful to have a background as a veteran of the National Guard for 30 years, but I am particularly proud, as the chairman has referenced, that in August my fourth son will be serving in the military of the United States. So our family is very, very proud of what the military means in protecting American families.

Mr. Speaker, in 2000, leaders from Russia and the United States announced a strategic agreement designed to dispose of tons of surplus weapons grade plutonium by turning it into mixed oxide, MOX, fuel for use in existing commercial nuclear reactors.

After this agreement was announced, the Savannah River Site near Aiken, South Carolina, which is located in the district I represent and Representative GRESHAM BARRETT, was chosen to fulfill the U.S. side of this important mission. Throughout the past 6 years, our country has demonstrated that we are ready to move forward with our part of the nonproliferation agreement.

Last week, my colleagues on the committee, with the leadership of Chairman TERRY EVERETT, supported the amendment to delink the U.S. and Russia MOX programs to ensure that the pace of the Russia MOX program will not dictate the progress of the U.S. MOX program. Described by CQ Today as perhaps the most significant amendment adopted at Wednesday's markup, this provision enables SRS to immediately begin construction of a MOX facility. We remain confident that our progress will encourage Russia to proceed with the same momentum.

In addition to fulfilling our agreements to nuclear nonproliferation, this crucial piece of legislation will help create hundreds of jobs in South Carolina and Georgia. By passing the National Defense Authorization Act, Congress will continue to lead the effort to reduce our excess plutonium supply. I urge my colleagues to support passage.

In conclusion, God bless our troops, and we will never forget September 11.

Mr. SKELTON. Mr. Chairman, I yield 4 minutes to the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, on the whole this is a good bill. I commend the ranking member and the chairman for the excellent work they have put into it, and I intend to support it.

This bill gives strong support to our troops in the field by continuing to give them the equipment they need and the compensation they deserve. In particular, due to an amendment that I offered, it provides for the waiver of premiums for those soldiers in combat, Iraq or Afghanistan, on \$400,000 of Servicemen's Group Life Insurance, the maximum amount available to our troops, so that all of our troops in combat can take full advantage of what is

available without being concerned about the cost. We put them there. The least we can do for them and their families is give them the security of more life insurance. This bill, I am happy to say, does just that.

On an issue closer to my domain, this bill adds \$30 million to the cost of cleaning up some of the most radioactive waste in the country precariously stored in 51 steel tanks at the Savannah River Site in South Carolina. It also contains provisions that will allow work to begin on a facility to fabricate 34 tons of weapons grade plutonium into mixed oxide fuel.

In 2002, as a result of agreements with Russia, South Carolina agreed to accept 34 metric tons of plutonium at Savannah River Site to be fabricated into MOX fuel and burned in light water reactors. Russia agreed likewise to dispose of 34 tons of plutonium with a similar MOX fuel plant.

For 4 or 5 years, this agreement to move in parallel tracks was awaiting the outcome of disagreements and discussions of the liability for the plant. These were finally resolved last year only to find out that these were not Russia's only concerns, and now they have indicated a reluctance to pursue the parallel track of building a MOX fuel plant.

So this bill provides that South Carolina can proceed on its own on a separate track, subject to DOE's agreement of course, and subject to several conditions which have been imposed by the bill. One is that DOE certifies to us that they are still convinced that this is the best way to dispose of weapons grade plutonium. Secondly, DOE will have to indicate to us in a report that they have made adjustments and addressed the criticisms of this particular project, particularly its cost escalation, that were mentioned by the IG the last time they took a look at the project. Thirdly, we ask for a report on the disposition of off-spec plutonium, plutonium that cannot be processed into MOX fuel.

These provisions are important for South Carolina, but they also are important for our national security and nonproliferation and for the workers that will build and operate the MOX fuel plant.

Mr. Speaker, the Department of Energy has an important program called Megaports, which is to help foreign countries install radiation detection equipment so that we can interdict radioactive material in cargoes headed for the U.S. before they reach our shores. For some reason, the administration this year cut the program by \$33 million. Many of us have argued for some time that we need to do a lot more to protect our ports.

This bill recognizes the gravity of that problem by authorizing an additional \$15 million for the purchase of radiation detectors. By helping foreign countries bolster port and border detection, we help ourselves.

The bill contains one other notable provision on nuclear nonproliferation.

The Global Threat Reduction Initiative is a comprehensive initiative to secure and remove high risk nuclear materials, many times in insecure places, from around the world, typically in research reactors. By working with the committee, we have been able to increase the GTRI budget by \$20 million over the President's budget and allow the Department of Energy an additional \$30 million of previously appropriated but as yet unobligated funds. This amounts to an almost 50 percent increase in funds available for this important program.

Lastly, Mr. Chairman, this bill contains important language which restricts spending on space-based missile defense interceptors. We now have five ballistic missile interceptor systems in various phases of development. I think it is important that we stick to our plan, that we keep focusing this system and that we bring further along these five systems before we start up another, particularly one with the complications that the space-based interceptor will entail.

All things considered, it is a good bill. I intend to support it. I commend those who have crafted it and helped bring it to the floor.

Mr. HUNTER. Mr. Chairman, I yield 3 minutes to the gentleman from Kentucky (Mr. DAVIS), who brought his experience as an officer of the 82nd Airborne to the Armed Services Committee.

Mr. DAVIS of Kentucky. Mr. Chairman, I also thank the chairman. It is a privilege to serve on a committee chaired by a fellow Army Ranger.

Today, I rise in strong support of H.R. 5122 and to speak about a matter of importance to our men and women who serve in the Reserve component, in the National Guard and our Armed Forces. As a former enlisted soldier, West Point graduate and 11-year veteran of active duty, and serving a number of years in Reserve, this is an important issue and one of particular interest and concern to me.

The bill which we are considering today includes an important provision that will for the first time establish equity in the computation of retired disability pay for all servicemembers, regardless of whether they were serving in the active military, Reserve or National Guard.

I thank Chairman HUNTER and Personnel Subcommittee Chairman McHUGH for their support of my amendment in committee which ensured inclusion of this vital amendment in today's legislation.

Earlier this year on one of my trips to Walter Reed Hospital, I visited a severely wounded member of the Kentucky Army National Guard from my district, Sergeant Carlos Farler of Tollesboro, Kentucky. I was stunned in talking with this great American, whose home is not far from mine, as he told me that his disability pay would be computed at a different level for Reservists and for Guardsmen than it is

for active servicemembers who have the same wounds from the same battle.

After meeting Sergeant Farler, I researched how military disability and retirement pay is computed. I learned that this computation is often based on the years of service. Under current law, a Reservist gets credit only for the time he actually spends in uniform. For example, a soldier who has spent 13 years in the Kentucky National Guard may have only 4 years of service when his or her duty days are added up. With a 30 percent disability this soldier gets about 8 percent less disability retirement pay than their regular Army counterpart.

In other words, two personnel with identical disabilities, incurred in the same Iraqi fire fight, will end up with a different disability retirement benefit with the citizen soldier coming up short. A lifetime difference of 8 percent in disability pay can have a significant impact on a retiree's standard of living.

The amendment which I offered and which was accepted in committee will change the law so that the actual number of years spent in the Reserves will be used. Any servicemember who earns the Purple Heart for being wounded in action and who was medically retired as a result of that action will be entitled to the same compensation for his or her disability retirement pay as somebody serving in the regular military.

A bullet does not discriminate between an active and Reserve servicemember and neither should we. Now is the time to correct this long-standing inequity. With passage of today's bill, we will do so.

In closing, I thank Sergeant Farler for bringing this inequity to my attention and for his service to our Nation, and also, more importantly, to his fellow veterans in the Guard and Reserve, and again I thank Chairman HUNTER, Ranking Member SKELTON, Chairman McHUGH for their support of this important provision to do right by America's soldiers, sailors, airmen and marines, truly making the regular Reserve and Guard forces one force to defend this Nation.

Mr. SKELTON. Mr. Chairman, I yield 3 minutes to the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Chairman, I rise in support of this bill. I want to commend all of my colleagues. In particular, I want to commend a former colleague, Congressman Sonny Montgomery, who is under the weather, who is probably watching, and we want him to know that all of us are thinking of him, and in this bill, in particular, I think Congressman Montgomery after his years of avidly serving the National Guard would be very pleased to know that a provision in this bill will extend to our Guardsmen and Reservists the exact same TRICARE benefits that are extended to the regular force. It is long overdue and I want to thank the chairman of

the subcommittee, Chairman McHUGH, and all the other people who helped make this happen.

I also want to mention on the TRICARE for retirees that there will be no increase in their copays. That is an issue of great importance to the people who have already served us. Great people and great nations keep their word, and we need to keep our word to them to keep their premiums low.

I would also like to commend my colleague JOEL HEFLEY. We are going to miss him very much. He has been a very honorable Member of this body. I think the committee did the right thing in naming the housing complex off of Fort Carson after him. He is going to be missed greatly.

Mr. Chairman, a couple of things in the limited time I have left that I would ask you to consider for the remaining time on this bill. First is the amendment by the gentleman from Virginia (Mr. TOM DAVIS) that would elevate the Chief of the National Guard Bureau to Joint Chiefs of Staff. There are over 400,000 National Guardsmen, and the events of the hurricane in south Mississippi last fall really convinced me that should there be an attack on the American homeland it is going to look a lot like Hurricane Katrina.

□ 1315

You are going to have a lack of electricity, food and water, no place even to put the bodies of the dead, and the National Guard did a magnificent job in responding to that. They will in all probability do a magnificent job should there be a terrorist event in this country.

But the person who should be at the table with the President in the event of that is the Chief of the National Guard. I would ask that the Members of this body be given an opportunity to vote on the Davis amendment.

Second is an amendment of my own that would provide that 100 percent of the wheeled vehicles in the Iraq and Afghanistan theaters that leave a base have an IED jammer. I voted to send those young men and women over there. We are now in the third year of this conflict. Well over half of all of the casualties, well over half of all deaths are caused by IEDs. Just as the Department early on did not think it was necessary for every soldier to have body armor, or every vehicle to be up-armored, I think the Department has been slow in seeing to it that every vehicle has an IED jammer. I would ask for a vote on that amendment. I think it is important.

I do not think any of us want to go to a funeral and tell the moms and dads that we are visiting that their son, their daughter, husband, brother happened to be in the last vehicle in Iraq that we failed to put a jammer on.

We are going to spend \$10 billion this year on missile defense. We have not been attacked by a missile. Thousands

of young Americans have died in Iraq. Half of those young Americans died as a result of IEDs. It is, unfortunately, the weapon of choice and, unfortunately, a very efficient weapon that our enemy is using. We need to take that weapon away from them, and the IED jammers can contribute to that. I ask for an opportunity for a vote on that amendment. It is in the best interest of our troops.

Again, this is a good bill and I encourage my colleagues to vote for it.

Mr. HUNTER. Mr. Chairman, I want to thank the gentleman who just spoke. I share his focus on IEDs, and we will work together.

Mr. Chairman, I yield 4 minutes to the gentleman from North Carolina (Mr. HAYES), who represents so many great people in uniform in North Carolina and has spent so much time working for their quality of life and for their effectiveness on the battlefield, and also for all of the people who work in the defense industry so we can make sure when the American taxpayer pays for defense items, since we defend the free world, that those items are made by Americans and represent American jobs.

Mr. HAYES. Mr. Chairman, I thank Chairman HUNTER and I thank the minority member, Mr. SKELTON, for a truly outstanding piece of bipartisan work. This is all about the men and women in uniform. It reflects the commitment, the dedication, the timing and the absolute perseverance of two fine leaders in our committee in wholeheartedly supporting the incredible effort that our men and women in uniform are putting forward in winning the war on terrorism. I thank them for their hard work and support and their unanimous approval of this bill.

I am very proud to have Fort Bragg, the epicenter of the universe, home of Joint Special Operations Command, in my home district.

As we are all aware, Special Operations Forces, SOF, are playing an increasingly essential role as we continue to fight and, more importantly, win the war on terror. Due to their importance in winning this fight, the 2006 Quadrennial Defense Review called for a 15 percent increase in Special Operations Forces beginning in fiscal year 2007. This would increase Army Special Forces battalions by one-third, raise SEAL team manning, and grow Civil Affairs and Psychological Operations.

Some of the very best ways to begin growing the SOF force is to retain those highly trained individuals already serving under Special Operations and attract like-minded warriors to the command. That is why my provision requiring a DOD study on improving retention of special operators is so essential.

I would again like to thank Chairman HUNTER and Chairman SAXTON of our subcommittee for their support and for working with me on this, and supporting me by including it in the manager's amendment.

The report will give us better data on the cost and investment that goes into training and maintaining a special operator. It will include cost of training and how much has been invested in the average SOF operator after two deployments. It will also speak financially to the special operators who have accumulated over 48 months of hostile fire pay and the percentage who have accumulated over 60.

I will soon introduce a bill to provide a new retention incentive for Special Forces soldiers, and look forward to continuing to work with Chairman HUNTER and my colleagues on this critical national security issue.

As we look towards the future, winning the war on terror, securing the freedom for America and other like-minded folks around the world, I want to emphasize this is about every man and woman in uniform whom we are so proud of and appreciate for their service, and for their families' support, and we will continue to say prayers for their continued safety and success.

As we look forward to freedom, the shining city on the hill and the best days of America lying ahead, it is the men and women in uniform who protect, defend and make us proud to whom we should look and give thanks every night.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado (Mr. UDALL).

Mr. UDALL of Colorado. Mr. Chairman, I rise in support of this bill. As a relatively new member of the Armed Services Committee, I am grateful to the ranking member, Mr. SKELTON, and Chairman HUNTER for working with me on parts of the bill that are particularly important for Colorado, including report language about the importance of the High Altitude Army Aviation Training Site, which is located in Eagle, Colorado, and its need for enough aircraft to fulfill its mission.

I am also grateful for the chairman's support of a provision to name a housing facility at Fort Carson, Colorado, in honor of Mr. HEFLEY, who as my colleagues know is retiring this year. During his 20 years of representing Colorado's Fifth District, Mr. HEFLEY has served with integrity and honor, and he has been a fair and effective lawmaker. I have learned a great deal from Mr. HEFLEY in my years in Congress, and along with everyone else here, I will miss him.

I am also pleased with many other provisions in the bill, including the extension of TRICARE coverage to all Reservists, the blocking of the proposed plan to raise certain TRICARE fees, the authorization of additional active duty Army and Army National Guard personnel, added funds for up-armored Humvees and IED jammers, and the 2.7 percent pay increase for military personnel, among other provisions.

I hope that the Rules Committee will allow debate on many important amendments not made in order in to-

day's rule, including one I proposed that will bring us further towards our goal of energy independence, and therefore national security.

In conclusion, I think this is a good bill, a carefully drafted and bipartisan bill, and I urge its support.

Mr. HUNTER. Mr. Chairman, I reserve the balance of my time.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. LORETTA SANCHEZ).

Ms. LORETTA SANCHEZ of California. Mr. Chairman, I thank the ranking member for yielding me this time. I would like to thank all of my colleagues on the committee and the committee staff for their hard work on what I believe is a very good bill.

In particular, I would like to thank our Personnel Subcommittee chairman, Mr. McHUGH, for working with me this year on several issues pertaining to sexual assault and harassment of military women, and Chairman EVERETT of the Strategic Forces Subcommittee for his cooperation in ensuring that we do not put technology ahead of policy in the realm of military space.

I am also very happy to report that this bill includes language to strengthen congressional oversight of detainees issues, particularly with regards to the issue of command responsibility. The Department of Defense wants to say that they are holding people accountable whenever detainee abuse occurs, but where does the ultimate responsibility lie?

A full 95 percent of the courts martial cases of detainee abuse involve the enlisted personnel. As of last month, only five officers had been criminally charged in connection with abuse cases, none of them above the rank of major, and I do not believe that that is command responsibility. It is clear that this committee and this Congress take the issue of detainee abuse seriously, but we cannot fool ourselves into thinking the problem is solved until this issue of command accountability has been effectively addressed.

Our work on detainee issues is far from over, but the language in this bill is definitely a step in the right direction.

The budget we received from the Department of Defense this year had many major flaws, misguided increases and out-of-pocket health care costs, severe cuts to National Guard funding, and other budgetary shell games that have sacrificed the well-being of our servicemembers to avoid the pain of cutting big ticket items, but this committee came together in a very bipartisan way to address these problems and we ended up with a bill that we are proud of. It is not a perfect bill and I hope that the next rule will allow for my colleagues' amendments that will make this bill even better.

Mr. HUNTER. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. GINGREY), a former member of the Armed Services Committee, who is

still very devoted to national security and exercises that role as a member of the Rules Committee.

Mr. GINGREY. Mr. Chairman, I thank the gentleman for yielding me this time.

I rise in strong support of the 2007 National Defense Authorization Act. I would like to thank all of the members of the Armed Services Committee for their hard work on this vital legislation, and I am especially appreciative for the efforts of Chairman HUNTER and the subcommittee chairman, Mr. McHUGH, and of course the ranking member, Mr. SKELTON, in listening to the families of our fallen soldiers.

A brave young man from my district who heroically gave his life for our country, SGT Paul Saylor, was not able to be viewed for a final time upon being returned to his family. Sergeant Saylor's family is extremely patriotic in support of our troops and has worked tirelessly to ensure that other military families are able to gain closure when a family member dies in defense of our Nation.

H.R. 5122 includes, thanks to the chairman, a remains preservation provision which takes steps to ensure that we can honor our fallen heroes with the dignity and respect that they deserve.

Mr. Chairman, I would like to personally thank you, as well as the ranking member, Mr. SKELTON, and the subcommittee chairman, Mr. McHUGH, for proving that one soldier and one family can truly make a difference. I urge support of the legislation.

Mr. SKELTON. Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey (Mr. ANDREWS).

(Mr. ANDREWS asked and was given permission to revise and extend his remarks.)

Mr. ANDREWS. Mr. Chairman, I thank my friend for his very gracious yielding of time.

I rise in support of a piece of legislation that I think deserves the support of each Member of this body. I thank Chairman HUNTER and Mr. SKELTON and the various subcommittee chairmen and members for their hard work on this bill.

My reasons for supporting this bill are both local and global. Locally, I would like to thank my friend and colleague, Mr. SAXTON, chairman of our subcommittee, for his excellent work, along with Mr. LOBIONDO, for inserting language which will put a stop to what I believe is an unwise and poorly thought out plan to dispose of the residue of VX nerve agent in the Delaware River adjoining our districts. I thank them for their leadership on that.

More globally, the role of the Armed Forces of the United States is to act in conjunction with our diplomatic and other leaders to shape the world in which we live so it is safer for our people.

□ 1530

And I think by any measure, this bill measures up to that very high stand-

ard. Most importantly, I am proud to support this bill because it significantly exceeds the pay increase for the people in uniform that was originally proposed.

The original proposal under the President's budget was for a 2.2 percent increase in the base pay of those who serve our country. I commend both the majority and minority for finding the right ways to alter that request and increase it to 2.7 percent, far more in line with pay raises being received by people in the private sector in lines of work that are obviously less risky and stressful for the defense of our country.

I also believe that this bill wisely invests in the information technologies and the intelligence gathering technologies that will serve us well in dealing with the asymmetric threats that our country faces and will surely face in the years ahead. I think this is a very positive foundation for the enactment of this bill.

I will say that I hope that the Rules Committee finds it within its purview to permit the full House to debate some other measures about shaping the environment in which we live, with specific reference to the question of limiting the proliferation of weapons of mass destruction. There is an amendment presently before the Rules Committee which speaks to that issue, which I would urge the Rules Committee to adopt so that we can have an argument about the best way to shape the future in which we find ourselves.

But I will say this. There is unanimity that the best way to shape that future is to recruit, retain, reward, equip and take care of the brave Americans who step forward to serve this country and their families. I am very pleased that this has not become a partisan issue, that Members on both sides of the aisle have worked very hard to try to achieve that promise, the recognition of that promise for the people who serve.

So I am proud to support this bill because of what it does for the anonymous young Americans whose names we do not know usually, until something terrible happens to them. I hope that we never learn their names if that is the reason that we would hear them.

But what they will learn from us is that their compensation, the care for their families will improve as a result of this bill that we support today.

Mr. SKELTON. Mr. Chairman, may I ask, does the gentleman from California have additional speakers?

Mr. HUNTER. I would say to my good colleague, I have just one additional thing that I would like to mention about a provision in the bill. But outside of that, we are ready to wrap up the general debate. So I have got just maybe a minute or two.

Mr. SKELTON. Mr. Chairman, I reserve the balance of my time.

Mr. HUNTER. Mr. Chairman, I just wanted to say to my colleagues that this, the story of this global war against terror with the special focus in

Iraq and Afghanistan, is a story of families. It is a story of enormous sacrifice, not just by the people that wear the uniform in the theater, but by their families back home, their moms, their dads, their wives, their husbands, their children.

And there is a particular family, the Holley family from San Diego, California, that brought an issue to the attention of the Armed Services Committee here over this last year when their great 101st Airborne Trooper, Matthew Holley, was killed in the Iraq theater. And they pointed out that in the present chain of transportation of our fallen heroes home, where they come through Dover, Delaware, and ultimately go to their final resting place at their particular hometown or community in America, that part of that chain of transportation has been carried out by commercial airlines. And despite the best wishes and the best efforts on the part of those people who operate the commercial airlines, the proper amount of respect, the extreme respect that should be afforded those fallen heroes is in some cases, has in some cases been lacking.

And that came to the attention of the Holley family. And they talked to me and to other members of the committee, and we looked at the issue and as a result of that, we have, in the law, in this bill or in the proposed law, some very clear and strong directives to the administration to utilize military aircraft in taking our fallen heroes from Dover, Delaware, from where they land on American shores, to the military base that is closest to their hometown, unless otherwise directed by the family, and to use those military aircraft and to accompany those fallen heroes with American military personnel, and to greet that military aircraft when it arrives at that military base closest to their hometown with an honor guard.

And so we have laid out very directive language, very clear language for the administration. And I want to thank John and Stacy, who really brought this to our attention in honor of their son, Matthew Holley. And I think that we have talked to the other body and I think that this will have clear support all the way through.

But this is an important part of this bill because part of this bill is about respect. And this particular provision is about respect for those people who have given that last full measure of devotion to our country.

Mr. Chairman, I yield back the balance of my time.

Mr. SKELTON. Mr. Chairman, I yield myself such time as I may consume.

I want to add one more word about this bill. It is an excellent bill, reflects the best of bipartisanship. I thank the chairman, DUNCAN HUNTER, all of the subcommittee chairmen and ranking members for the very, very hard work that they did. I certainly hope that we are able to return tomorrow with some amendments that need to be debated

and discussed, including the prescription drug amendment that I have offered.

Mr. FOSSELLA. Mr. Chairman, today I rise in support of H.R. 5122, the 2007 Defense Reauthorization.

In February 2006, I introduced legislation that would allow military families to mail packages postage-free to their loved ones serving in Iraq and Afghanistan. With the help of Chairman HUNTER, Sub-Committee Chairman McHUGH, and Chairman TOM DAVIS, this legislation has been included in the underlying legislation we are currently debating.

I drafted the legislation in response to concerns expressed to me by many military families that it was becoming too costly for them to send regular care packages to their loved ones overseas. I heard story after story of families that were already finding it hard to make ends meet now having to spend as much as \$1,500 a year to mail care packages. These packages bring a touch of home to our servicemembers—like pictures, cards and school projects from their children. But they also provide our military men and women with basic necessities like shampoo, powder, and phone cards.

In my district of Staten Island and Brooklyn, residents joined together and raised money to help military families send these packages over seas. I was inspired by the outpouring of support for our service men and women in Dyker Heights, Brooklyn, where postal service employees raised money to cover the postage for every package sent to our troops. On Staten Island, several groups dedicated to helping military families also raised money to help offset the cost of postage.

It was these acts of generosity and patriotism that prompted me to introduce my legislation. And today, with the strong, bipartisan support of 133 of my colleagues, the House of Representatives will show our enduring support for our service men and women and their families.

It goes without saying that our servicemen and women are making enormous sacrifices fighting the War on Terrorism and defending freedom and liberty. They face great challenges under trying circumstances, and often without the benefit of basic necessities like blankets or toothpaste. It falls upon their families back home to get them these supplies and to cover the cost of shipping them overseas. This bill will help make life better for our soldiers and to ease the financial burden on those back home. It is a simple way to bring a touch of home to America's heroes overseas.

I urge my colleagues to support this bill and allow our military families an easier path to sending care packages to their loved ones.

Mr. NORWOOD. Mr. Chairman, I would like to thank Chairman HUNTER, Ranking Member SKELTON, and committee staff for including my legislation improving TRICARE dental coverage into this bill.

Currently, TRICARE will only pay for medically necessary dental work in a hospital if the condition has a medical component.

That means if a young child or disabled dependent has a serious dental condition and cannot be treated in the office, the general anesthesia costs get passed to the family.

As a former Army and private practice dentist, I can tell you that hospital dental care is medically necessary in limited cases, and that

these costs are an unjust burden on military families.

This Authorization finally acknowledges that fact, and I urge its support.

Mr. SKELTON. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Mr. KUHLMAN of New York). All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 5122

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Defense Authorization Act for Fiscal Year 2007".

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) **DIVISIONS.**—This Act is organized into three divisions as follows:

(1) *Division A—Department of Defense Authorizations.*

(2) *Division B—Military Construction Authorizations.*

(3) *Division C—Department of Energy National Security Authorizations and Other Authorizations.*

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Organization of Act into divisions; table of contents.

Sec. 3. Congressional defense committees.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Army.

Sec. 102. Navy and Marine Corps.

Sec. 103. Air Force.

Sec. 104. Defense-wide activities.

Subtitle B—Army Programs

Sec. 111. Multiyear procurement authority for Family of Medium Tactical Vehicles.

Sec. 112. Multiyear procurement authority for MH-60R helicopters and mission equipment.

Sec. 113. Funding profile for Modular Force Initiative of the Army.

Sec. 114. Bridge to Future Networks program.

Subtitle C—Navy Programs

Sec. 121. Attack submarine force structure.

Sec. 122. Adherence to Navy cost estimates for CVN-21 class of aircraft carriers.

Sec. 123. Adherence to Navy cost estimates for LHA Replacement amphibious assault ship program.

Sec. 124. Adherence to Navy cost estimates for San Antonio (LPD-17) class amphibious ship program.

Sec. 125. Multiyear procurement authority for V-22 tiltrotor aircraft program.

Sec. 126. Quality control in procurement of ship critical safety items and related services.

Sec. 127. DD(X) Next-Generation Destroyer program.

Sec. 128. Sense of Congress that the Navy make greater use of nuclear-powered propulsion systems in its future fleet of surface combatants.

Subtitle D—Air Force Programs

Sec. 131. Requirement for B-52 force structure.

Sec. 132. Strategic airlift force structure.

Sec. 133. Limitation on retirement of U-2 aircraft.

Sec. 134. Multiyear procurement authority for F-22A Raptor fighter aircraft.

Sec. 135. Limitation on retirement of KC-135E aircraft during fiscal year 2007.

Sec. 136. Limitation on retirement of F-117A aircraft during fiscal year 2007.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.

Sec. 202. Amount for defense science and technology.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. Alternate engine for Joint Strike Fighter.

Sec. 212. Extension of authority to award prizes for advanced technology achievements.

Sec. 213. Extension of Defense Acquisition Challenge Program.

Sec. 214. Future Combat Systems milestone review.

Sec. 215. Independent cost analyses for Joint Strike Fighter engine program.

Sec. 216. Dedicated amounts for implementing or evaluating DD(X) and CVN-21 proposals under Defense Acquisition Challenge Program.

Subtitle C—Ballistic Missile Defense

Sec. 221. Fielding of ballistic missile defense capabilities.

Sec. 222. Limitation on use of funds for space-based interceptor.

Subtitle D—Other Matters

Sec. 231. Review of test and evaluation policies and practices to address emerging acquisition approaches.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

Sec. 301. Operation and maintenance funding.

Sec. 302. Working capital funds.

Sec. 303. Other Department of Defense Programs.

Subtitle B—Environmental Provisions

Sec. 311. Revision of requirement for unexploded ordnance program manager.

Sec. 312. Identification and monitoring of military munitions disposal sites in ocean waters extending from United States coast to outer boundary of outer Continental Shelf.

Sec. 313. Reimbursement of Environmental Protection Agency for certain costs in connection with Moses Lake Wellfield Superfund Site, Moses Lake, Washington.

Sec. 314. Funding of cooperative agreements under environmental restoration program.

Sec. 315. Analysis and report regarding contamination and remediation responsibility for Norwalk Defense Fuel Supply Point, Norwalk, California.

Subtitle C—Workplace and Depot Issues

Sec. 321. Extension of exclusion of certain expenditures from percentage limitation on contracting for depot-level maintenance.

Sec. 322. Minimum capital investment for Air Force depots.

Sec. 323. Extension of temporary authority for contractor performance of security guard functions.

Subtitle D—Reports

Sec. 331. Report on Nuclear Attack Submarine Depot Maintenance.

- Sec. 332. Report on Navy Fleet Response Plan.
 Sec. 333. Report on Navy surface ship rotational crew programs.
 Sec. 334. Report on Army live-fire ranges in Hawaii.
 Sec. 335. Comptroller General report on joint standards and protocols for access control systems at Department of Defense installations.

Sec. 336. Report on Personnel Security Investigations for Industry and National Industrial Security Program.

Subtitle E—Other Matters

- Sec. 341. Department of Defense strategic policy on prepositioning of materiel and equipment.
 Sec. 342. Authority to make Department of Defense horses available for adoption at end of useful working life.
 Sec. 343. Sale and use of proceeds of recyclable munitions materials.
 Sec. 344. Capital security cost sharing.
 Sec. 345. Prioritization of funds within Navy mission operations, ship maintenance, combat support forces, and weapons system support.
 Sec. 346. Prioritization of funds within Army reconstitution and transformation.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

- Sec. 401. End strengths for active forces.
 Sec. 402. Revision in permanent active duty end strength minimum levels.
 Sec. 403. Additional authority for increases of Army and Marine Corps active duty end strengths for fiscal years 2008 and 2009.

Subtitle B—Reserve Forces

- Sec. 411. End strengths for Selected Reserve.
 Sec. 412. End strengths for Reserves on active duty in support of the reserve components.
 Sec. 413. End strengths for military technicians (dual status).
 Sec. 414. Fiscal year 2007 limitation on number of non-dual status technicians.
 Sec. 415. Maximum number of reserve personnel authorized to be on active duty for operational support.

Subtitle C—Authorization of Appropriations

- Sec. 421. Military personnel.
 Sec. 422. Armed Forces Retirement Home.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

- Sec. 501. Authorized strength of Navy Reserve flag officers.
 Sec. 502. Standardization of grade of senior dental officer of the Air Force with that of senior dental officer of the Army.
 Sec. 503. Management of chief warrant officers.
 Sec. 504. Reduction in time-in-grade requirement for promotion to captain in the Army, Air Force, and Marine Corps and lieutenant in the Navy.
 Sec. 505. Military status of officers serving in certain Intelligence Community positions.

Subtitle B—Reserve Component Management

- Sec. 511. Revisions to reserve call-up authority.
 Sec. 512. Military retirement credit for certain service by National Guard members performed while in a State duty status immediately after the terrorist attacks of September 11, 2001.
 Sec. 513. Report on private-sector promotion and constructive termination of members of the reserve components called or ordered to active service.

Subtitle C—Education and Training

- Sec. 521. Authority to permit members who participate in the guaranteed reserve forces duty scholarship program to participate in the health professions scholarship program and serve on active duty.
 Sec. 522. Junior Reserve Officers' Training Corps instruction eligibility expansion.
 Sec. 523. Authority for United States Military Academy and United States Air Force Academy permanent military professors to assume command positions while on periods of sabbatical.
 Sec. 524. Expansion of service academy exchange programs with foreign military academies.
 Sec. 525. Review of legal status of Junior ROTC program.

Subtitle D—General Service Authorities

- Sec. 531. Test of utility of test preparation guides and education programs in enhancing recruit candidate performance on the Armed Services Vocational Aptitude Battery (ASVAB) and Armed Forces Qualification Test (AFQT).
 Sec. 532. Nondisclosure of selection board proceedings.
 Sec. 533. Report on extent of provision of timely notice of long-term deployments.

Subtitle E—Authorities Relating to Guard and Reserve Duty

- Sec. 541. Title 10 definition of Active Guard and Reserve duty.
 Sec. 542. Authority for Active Guard and Reserve duties to include support of operational missions assigned to the reserve components and instruction and training of active-duty personnel.
 Sec. 543. Governor's authority to order members to Active Guard and Reserve duty.
 Sec. 544. National Guard officers authority to command.
 Sec. 545. Expansion of operations of civil support teams.

Subtitle F—Decorations and Awards

- Sec. 551. Authority for presentation of Medal of Honor Flag to living Medal of Honor recipients and to living primary next-of-kin of deceased Medal of Honor recipients.
 Sec. 552. Cold War Victory Medal.
 Sec. 553. Posthumous award of Purple Heart for prisoners of war who die in or due to captivity.
 Sec. 554. Advancement on the retired list of certain decorated retired Navy and Marine Corps officers.
 Sec. 555. Report on Department of Defense process for awarding decorations.

Subtitle G—Matters Relating to Casualties

- Sec. 561. Criteria for removal of member from temporary disability retired list.
 Sec. 562. Department of Defense computer/electronic accommodations program for severely wounded members.
 Sec. 563. Transportation of remains of casualties dying in a theater of combat operations.
 Sec. 564. Annual budget display of funds for POW/MIA activities of Department of Defense.

Subtitle H—Assistance to Local Educational Agencies for Defense Dependents Education

- Sec. 571. Continuation of authority to assist local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.

- Sec. 572. Enrollment in defense dependents' education system of dependents of foreign military members assigned to Supreme Headquarters Allied Powers, Europe.

Subtitle I—Postal Benefits

- Sec. 575. Postal benefits program for members of the Armed Forces.
 Sec. 576. Funding.
 Sec. 577. Duration.

Subtitle J—Other Matters

- Sec. 581. Reduction in Department of Defense accrual contributions to Department of Defense Military Retirement Fund.
 Sec. 582. Dental Corps of the Bureau of Medicine and Surgery.
 Sec. 583. Permanent authority for presentation of recognition items for recruitment and retention purposes.
 Sec. 584. Report on feasibility of establishment of Military Entrance Processing Command station on Guam.
 Sec. 585. Persons authorized to administer enlistment and appointment oaths.
 Sec. 586. Repeal of requirement for periodic Department of Defense Inspector General assessments of voting assistance compliance at military installations.
 Sec. 587. Physical evaluation boards.
 Sec. 588. Department of Labor transitional assistance program.
 Sec. 589. Revision in Government contributions to Medicare-Eligible Retiree Health Care Fund.
 Sec. 590. Military chaplains.
 Sec. 591. Report on personnel requirements for airborne assets identified as Low-Density, High-Demand Airborne Assets.
 Sec. 592. Entrepreneurial Service Members Empowerment Task Force.
 Sec. 593. Comptroller General report on military conscientious objectors.
 Sec. 594. Commission on the National Guard and Reserves.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

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- Sec. 601. Increase in basic pay for fiscal year 2007.
 Sec. 602. Targeted increase in basic pay rates.
 Sec. 603. Conforming change in general and flag officer pay cap to reflect increase in pay cap for Senior Executive Service personnel.
 Sec. 604. Availability of second basic allowance for housing for certain reserve component or retired members serving in support of contingency operations.
 Sec. 605. Extension of temporary continuation of housing allowance for dependents of members dying on active duty to spouses who are also members.
 Sec. 606. Clarification of effective date of prohibition on compensation for correspondence courses.
 Sec. 607. Payment of full premium for coverage under Servicemembers' Group Life Insurance program during service in Operation Enduring Freedom or Operation Iraqi Freedom.

Subtitle B—Bonuses and Special and Incentive Pays

- Sec. 611. Extension of certain bonus and special pay authorities for reserve forces.
 Sec. 612. Extension of bonus and special pay authorities for health care professionals.
 Sec. 613. Extension of special pay and bonus authorities for nuclear officers.
 Sec. 614. Extension of other bonus, special pay, and separation pay authorities.

- Sec. 615. Expansion of eligibility of dental officers for additional special pay.
- Sec. 616. Increase in maximum annual rate of special pay for Selected Reserve health care professionals in critically short wartime specialties.
- Sec. 617. Authority to provide lump sum payment of nuclear officer incentive pay.
- Sec. 618. Increase in maximum amount of nuclear career accession bonus.
- Sec. 619. Increase in maximum amount of incentive bonus for transfer between armed forces.
- Sec. 620. Clarification regarding members of the Army eligible for bonus for referring other persons for enlistment in the Army.
- Sec. 621. Pilot program for recruitment bonus for critical health care specialties.
- Sec. 622. Enhancement of temporary program of voluntary separation pay and benefits.
- Sec. 623. Additional authorities and incentives to encourage retired members and reserve component members to volunteer to serve on active duty in high-demand, low-density assignments.
- Subtitle C—Travel and Transportation Allowances
- Sec. 631. Authority to pay costs associated with delivery of motor vehicle to storage location selected by member and subsequent removal of vehicle.
- Sec. 632. Transportation of additional motor vehicle of members on change of permanent station to or from non-foreign areas outside the continental United States.
- Sec. 633. Travel and transportation allowances for transportation of family members incident to illness or injury of members.
- Subtitle D—Retired Pay and Survivor Benefits
- Sec. 641. Military Survivor Benefit Plan beneficiaries under insurable interest coverage.
- Sec. 642. Retroactive payment of additional death gratuity for certain members not previously covered.
- Sec. 643. Equity in computation of disability retired pay for reserve component members wounded in action.
- Subtitle E—Commissary and Nonappropriated Fund Instrumentality Benefits
- Sec. 651. Treatment of price surcharges of tobacco products and certain other merchandise sold at commissary stores.
- Sec. 652. Limitation on use of Department of Defense lease authority to undermine commissaries and exchanges and other morale, welfare, and recreation programs and nonappropriated fund instrumentalities.
- Sec. 653. Use of nonappropriated funds to supplement or replace appropriated funds for construction of facilities of exchange stores system and other nonappropriated fund instrumentalities, military lodging facilities, and community facilities.
- Sec. 654. Report on cost effectiveness of purchasing commercial insurance for commissary and exchange facilities and facilities of other morale, welfare, and recreation programs and nonappropriated fund instrumentalities.
- Subtitle F—Other Matters
- Sec. 661. Repeal of annual reporting requirement regarding effects of recruitment and retention initiatives.
- Sec. 662. Pilot project regarding providing golf carts accessible for disabled persons at military golf courses.
- Sec. 663. Enhanced authority to remit or cancel indebtedness of members of the Armed Forces incurred on active duty.
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- Sec. 703. Improvements to descriptions of cancer screening.
- Sec. 704. Prohibition on increases in certain health care costs for members of the uniformed services.
- Sec. 705. Services of mental health counselors.
- Sec. 706. Demonstration project on coverage of selected over-the-counter medications under the pharmacy benefit program.
- Sec. 707. Requirement to reimburse certain travel expenses of certain beneficiaries covered by TRICARE for life.
- Sec. 708. Inflation adjustment of differential payments to children's hospitals participating in TRICARE program.
- Sec. 709. Expanded eligibility of Selected Reserve members under TRICARE program.
- Sec. 710. Extension to TRICARE of medicare prohibition of financial incentives not to enroll in group health plan.
- Subtitle B—Studies and Reports
- Sec. 711. Department of Defense task force on the future of military health care.
- Sec. 712. Study and plan relating to chiropractic health care services.
- Sec. 713. Comptroller General study and report on Defense Health Program.
- Sec. 714. Transfer of custody of the Air Force Health Study assets to Medical Follow-up Agency.
- Sec. 715. Study on allowing dependents of activated members of Reserve Components to retain civilian health care coverage.
- Subtitle C—Other Matters
- Sec. 721. Costs of incentive payments to employees for TRICARE enrollment made unallowable for contractors.
- Sec. 722. Requirement for military medical personnel to be trained in preservation of remains.
- Subtitle D—Pharmacy Benefits Program Improvements
- Sec. 731. TRICARE pharmacy program cost-share requirements.
- TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS
- Subtitle A—Provisions Relating to Major Defense Acquisition Programs
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- Sec. 802. Additional requirements relating to technical data rights.
- Sec. 803. Study and report on revisions to Selected Acquisition Report requirements.
- Sec. 804. Quarterly updates on implementation of acquisition reform in the Department of Defense.
- Sec. 805. Establishment of defense challenge process for critical cost growth threshold breaches in major defense acquisition programs.
- Sec. 806. Market research required for major defense acquisition programs before proceeding to Milestone B.
- Subtitle B—Acquisition Policy and Management
- Sec. 811. Applicability of statutory executive compensation cap made prospective.
- Sec. 812. Prohibition on procurement from beneficiaries of foreign subsidies.
- Sec. 813. Time-certain development for Department of Defense information technology business systems.
- Sec. 814. Establishment of Panel on Contracting Integrity.
- Subtitle C—Amendments to General Contracting Authorities, Procedures, and Limitations
- Sec. 821. Extension of special temporary contract closeout authority.
- Sec. 822. Limitation on contracts for the acquisition of certain services.
- Sec. 823. Use of Federal supply schedules by State and local governments for goods and services for recovery from natural disasters, terrorism, or nuclear, biological, chemical, or radiological attack.
- Sec. 824. Waivers to extend task order contracts for advisory and assistance services.
- Sec. 825. Enhanced access for small business.
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- Sec. 827. Prohibition on defense contractors requiring licenses or fees for use of military likenesses and designations.
- Subtitle D—United States Defense Industrial Base Provisions
- Sec. 831. Protection of strategic materials critical to national security.
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- TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT
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- Sec. 901. Standardization of statutory references to "national security system" within laws applicable to Department of Defense.
- Sec. 902. Correction of reference to predecessor of Defense Information Systems Agency.
- Sec. 903. Addition to membership of specified council.
- Sec. 904. Consolidation and standardization of authorities relating to Department of Defense Regional Centers for Security Studies.
- Sec. 905. Redesignation of the Department of the Navy as the Department of the Navy and Marine Corps.
- Subtitle B—Space Activities
- Sec. 911. Designation of successor organizations for the disestablished Interagency Global Positioning Executive Board.
- Sec. 912. Extension of authority for pilot program for provision of space surveillance network services to non-United States Government entities.
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- Subtitle C—Chemical Demilitarization Program
- Sec. 921. Transfer to Secretary of the Army of responsibility for Assembled Chemical Weapons Alternatives Program.
- Sec. 922. Comptroller General review of cost-benefit analysis of off-site versus on-site treatment and disposal of hydrolysate derived from neutralization of VX nerve gas at Newport Chemical Depot, Indiana.
- Sec. 923. Sense of Congress regarding the safe and expeditious disposal of chemical weapons.

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Sec. 931. Repeal of termination of authority of Secretary of Defense to engage in commercial activities as security for intelligence collection activities abroad.

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 Sec. 1002. Authorization of supplemental appropriations for fiscal year 2006.
 Sec. 1003. Increase in fiscal year 2006 general transfer authority.
 Sec. 1004. United States contribution to NATO common-funded budgets in fiscal year 2007.
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Subtitle C—Counter-Drug Activities

Sec. 1021. Restatement in title 10, United States Code, and revision of Department of Defense authority to provide support for counter-drug activities of Federal, State, local, and foreign law enforcement agencies.
 Sec. 1022. Restatement in title 10, United States Code, and revision of Department of Defense authority to provide support for counter-drug activities of certain foreign governments.
 Sec. 1023. Extension of authority to support unified counterdrug and counterterrorism campaign in Colombia.
 Sec. 1024. Continuation of reporting requirement regarding Department of Defense expenditures to support foreign counter-drug activities.
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 Sec. 1032. Enhancement to authority to pay rewards for assistance in combating terrorism.
 Sec. 1033. Report on assessment process of Chairman of the Joint Chiefs of Staff relating to Global War on Terrorism.
 Sec. 1034. Presidential report on improving interagency support for United States 21st century national security missions.
 Sec. 1035. Quarterly reports on implementation of 2006 Quadrennial Defense Review Report.
 Sec. 1036. Increased hunting and fishing opportunities for members of the Armed Forces, retired members, and disabled veterans.

Sec. 1037. Technical and clerical amendments.
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Sec. 1101. Increase in authorized number of defense intelligence senior executive service employees.
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 Sec. 1203. Recodification and revision to law relating to Department of Defense humanitarian demining assistance.
 Sec. 1204. Enhancements to Regional Defense Combating Terrorism Fellowship Program.
 Sec. 1205. Capstone overseas field studies trips to People's Republic of China and Republic of China on Taiwan.
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Sec. 1211. Procurement restrictions against foreign persons that transfer certain defense articles and services to the People's Republic of China.

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Sec. 2101. Authorized Army construction and land acquisition projects.
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 Sec. 2403. Energy conservation projects.
 Sec. 2404. Authorized base closure and realignment activities funded through Department of Defense Base Closure Account 2005.
 Sec. 2405. Authorization of appropriations, Defense Agencies.
 Sec. 2406. Modification of authority to carry out certain fiscal year 2006 projects.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

Sec. 2501. Authorized NATO construction and land acquisition projects.
 Sec. 2502. Authorization of appropriations, NATO.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

Sec. 2601. Authorized Guard and Reserve construction and land acquisition projects.

TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS

Sec. 2701. Expiration of authorizations and amounts required to be specified by law.
 Sec. 2702. Effective date.

TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

Sec. 2801. Increase in maximum annual amount authorized to be obligated for emergency military construction.
 Sec. 2802. Applicability of local comparability of room pattern and floor area requirements to construction, acquisition, and improvement to military unaccompanied housing.

- Sec. 2803. Authority to use proceeds from sale of military family housing to support military housing privatization initiative.
- Sec. 2804. Repeal of special requirement for military construction contracts on Guam.
- Sec. 2805. Congressional notification of cancellation ceiling for Department of Defense energy savings performance contracts.
- Sec. 2806. Expansion of authority to convey property at military installations to support military construction.
- Sec. 2807. Pilot projects for acquisition or construction of military unaccompanied housing.
- Sec. 2808. Consideration of alternative and more efficient uses for general officer and flag officer quarters in excess of 6,000 square feet.
- Sec. 2809. Repeal of temporary minor military construction program.
- Sec. 2810. One-year extension of temporary, limited authority to use operation and maintenance funds for construction projects outside the United States.

Subtitle B—Real Property and Facilities Administration

- Sec. 2821. Consolidation of Department of Defense authorities regarding granting of easements for rights-of-way.
- Sec. 2822. Authority to grant restrictive easements in connection with land conveyances.
- Sec. 2823. Maximum term of leases for structures and real property relating to structures in foreign countries needed for purposes other than family housing.
- Sec. 2824. Consolidation of laws relating to transfer of Department of Defense real property within the department and to other Federal agencies.
- Sec. 2825. Congressional notice requirements in advance of acquisition of land by condemnation for military purposes.

Subtitle C—Base Closure and Realignment

- Sec. 2831. Treatment of lease proceeds from military installations approved for closure or realignment after January 1, 2005.

Subtitle D—Land Conveyances

- Sec. 2841. Land conveyance, Naval Air Station, Barbers Point, Hawaii.
- Sec. 2842. Modification of land acquisition authority, Perquimans County, North Carolina.
- Sec. 2843. Land conveyance, Radford Army Ammunition Plant, Pulaski County, Virginia.

Subtitle E—Other Matters

- Sec. 2851. Availability of community planning assistance relating to encroachment of civilian communities on military facilities used for training by the Armed Forces.
- Sec. 2852. Prohibitions against making certain military airfields or facilities available for use by civil aircraft.
- Sec. 2853. Naming housing facility at Fort Carson, Colorado, in honor of Joel Hefley, a member of the House of Representatives.
- Sec. 2854. Naming Navy and Marine Corps Reserve Center at Rock Island, Illinois, in honor of Lane Evans, a member of the House of Representatives.

- Sec. 2855. Naming of research laboratory at Air Force Rome Research Site, Rome, New York, in honor of Sherwood L. Boehlert, a member of the House of Representatives.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

- Sec. 3101. National Nuclear Security Administration.
- Sec. 3102. Defense environmental cleanup.
- Sec. 3103. Other defense activities.
- Sec. 3104. Defense nuclear waste disposal.
- Subtitle B—Program Authorizations, Restrictions, and Limitations*
- Sec. 3111. Plan for transformation of National Nuclear Security Administration nuclear weapons complex.
- Sec. 3112. Extension of Facilities and Infrastructure Recapitalization Program.
- Sec. 3113. Utilization of contributions to Global Threat Reduction Initiative.
- Sec. 3114. Utilization of contributions to Second Line of Defense program.
- Sec. 3115. Two-year extension of authority for appointment of certain scientific, engineering, and technical personnel.
- Sec. 3116. National Academy of Sciences study of quantification of margins and uncertainty methodology for assessing and certifying the safety and reliability of the nuclear stockpile.
- Sec. 3117. Consolidation of counterintelligence programs of Department of Energy and National Nuclear Security Administration.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

- Sec. 3201. Authorization.

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

- Sec. 3301. Authorized uses of National Defense Stockpile funds.
- Sec. 3302. Revisions to required receipt objectives for previously authorized disposals from National Defense Stockpile.

TITLE XXXIV—NAVAL PETROLEUM RESERVES

- Sec. 3401. Authorization of appropriations.

TITLE XXXV—MARITIME ADMINISTRATION

- Sec. 3501. Authorization of appropriations for fiscal year 2007.
- Sec. 3502. Limitation on transfer of Maritime Security Fleet operating agreements.
- Sec. 3503. Applicability to certain Maritime Administration vessels of limitations on overhaul, repair, and maintenance of vessels in foreign shipyards.
- Sec. 3504. Vessel transfer authority.
- Sec. 3505. United States Merchant Marine Academy graduates: alternate service requirements.
- Sec. 3506. United States Merchant Marine Academy graduates: service obligation performance reporting requirement.
- Sec. 3507. Temporary authority to transfer obsolete combatant vessels to Navy for disposal.
- Sec. 3508. Temporary requirement to maintain Ready Reserve Force.

SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES.

For purposes of this Act, the term “congressional defense committees” has the meaning

given that term in section 101(a)(16) of title 10, United States Code.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

- Sec. 101. Army.
- Sec. 102. Navy and Marine Corps.
- Sec. 103. Air Force.
- Sec. 104. Defense-wide activities.

Subtitle B—Army Programs

- Sec. 111. Multiyear procurement authority for Family of Medium Tactical Vehicles.
- Sec. 112. Multiyear procurement authority for MH-60R helicopters and mission equipment.
- Sec. 113. Funding profile for Modular Force Initiative of the Army.
- Sec. 114. Bridge to Future Networks program.

Subtitle C—Navy Programs

- Sec. 121. Attack submarine force structure.
- Sec. 122. Adherence to Navy cost estimates for CVN-21 class of aircraft carriers.
- Sec. 123. Adherence to Navy cost estimates for LHA Replacement amphibious assault ship program.
- Sec. 124. Adherence to Navy cost estimates for San Antonio (LPD-17) class amphibious ship program.
- Sec. 125. Multiyear procurement authority for V-22 tiltrotor aircraft program.
- Sec. 126. Quality control in procurement of ship critical safety items and related services.
- Sec. 127. DD(X) Next-Generation Destroyer program.
- Sec. 128. Sense of Congress that the Navy make greater use of nuclear-powered propulsion systems in its future fleet of surface combatants.

Subtitle D—Air Force Programs

- Sec. 131. Requirement for B-52 force structure.
- Sec. 132. Strategic airlift force structure.
- Sec. 133. Limitation on retirement of U-2 aircraft.
- Sec. 134. Multiyear procurement authority for F-22A Raptor fighter aircraft.
- Sec. 135. Limitation on retirement of KC-135E aircraft during fiscal year 2007.
- Sec. 136. Limitation on retirement of F-117A aircraft during fiscal year 2007.

Subtitle A—Authorization of Appropriations

SEC. 101. ARMY.

Funds are hereby authorized to be appropriated for fiscal year 2007 for procurement for the Army as follows:

- (1) For aircraft, \$3,714,783,000.
- (2) For missiles, \$1,490,898,000.
- (3) For weapons and tracked combat vehicles, \$2,335,004,000.
- (4) For ammunition, \$1,691,475,000.
- (5) For other procurement, \$6,970,079,000.
- (6) For National Guard Equipment, \$318,000,000.

SEC. 102. NAVY AND MARINE CORPS.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 2007 for procurement for the Navy as follows:

- (1) For aircraft, \$10,760,671,000.
- (2) For weapons, including missiles and torpedoes, \$2,517,020,000.
- (3) For shipbuilding and conversion, \$11,183,153,000.
- (4) For other procurement, \$5,042,766,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 2007 for procurement for the Marine Corps in the amount of \$1,223,813,000.

(c) NAVY AND MARINE CORPS AMMUNITION.—Funds are hereby authorized to be appropriated for fiscal year 2007 for procurement of ammunition for the Navy and the Marine Corps in the amount of \$758,793,000.

SEC. 103. AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal year 2007 for procurement for the Air Force as follows:

- (1) For aircraft, \$13,042,630,000.
- (2) For ammunition, \$1,076,749,000.
- (3) For missiles, \$4,171,495,000.
- (4) For other procurement, \$15,428,636,000.

SEC. 104. DEFENSE-WIDE ACTIVITIES.

Funds are hereby authorized to be appropriated for fiscal year 2007 for Defense-wide procurement in the amount of \$2,856,461,000.

Subtitle B—Army Programs**SEC. 111. MULTIYEAR PROCUREMENT AUTHORITY FOR FAMILY OF MEDIUM TACTICAL VEHICLES.**

(a) **AUTHORITY.**—The Secretary of the Army may, in accordance with section 2306b of title 10, United States Code, enter into a multiyear contract for the Family of Medium Tactical Vehicles (FMTV) program beginning with the fiscal year 2008 program year.

(b) **CONTRACT REQUIREMENT.**—Any multiyear contract or extension entered into under this section for procurement under the Family of Medium Tactical Vehicles program shall provide for incorporation of improvements in the areas of performance capability and survivability from lessons learned from operations involving the Global War on Terrorism (as well as from product improvement programs carried out for the Family of Medium Tactical Vehicles program)..

(c) **LIMITATION ON TERM OF CONTRACT.**—Notwithstanding subsection (k) of section 2306b of title 10, United States Code, a contract or extension under this section may not be for a period in excess of three program years.

SEC. 112. MULTIYEAR PROCUREMENT AUTHORITY FOR MH-60R HELICOPTERS AND MISSION EQUIPMENT.

(a) **MH-60R HELICOPTER.**—Subject to subsection (c), the Secretary of the Army, acting as executive agent for the Department of the Navy, may enter into a multiyear contract for the procurement of 144 MH-60R helicopters.

(b) **MH-60R HELICOPTER MISSION EQUIPMENT.**—Subject to subsection (c), the Secretary of the Army, acting as executive agent for the Department of the Navy, may enter into a multiyear contract for the procurement of MH-60R helicopter mission equipment for the helicopters covered by a multiyear contract under subsection (a).

(c) **CONTRACT REQUIREMENTS.**—Any multiyear contract under this section—

(1) shall be entered into in accordance with section 2306b of title 10, United States Code, and shall commence with the fiscal year 2007 program year; and

(2) shall provide that any obligation of the United States to make a payment under the contract is subject to the availability of appropriations for that purpose.

(d) **COST LIMITATION.**—The combined value for the contracts authorized by subsections (a) and (b) may not exceed \$2,600,000,000, and the average unit cost per helicopter under those contracts may not exceed \$37,790,000.

SEC. 113. FUNDING PROFILE FOR MODULAR FORCE INITIATIVE OF THE ARMY.

The Secretary of the Army shall set forth in the budget presentation materials of the Army submitted to Congress in support of the President's budget for any fiscal year after fiscal year 2007, and in other relevant materials submitted to Congress with respect to the budget of the Army for any such fiscal year, all amounts for procurement for the M1A2 Abrams tank System Enhancement Program (SEP) and for the Bradley A3 fighting vehicle as elements within the amounts requested for the Modular Force Initiative of the Army, in accordance with the report of the Army titled "The Army Modular Force Initiative", submitted to Congress in March 2006.

SEC. 114. BRIDGE TO FUTURE NETWORKS PROGRAM.

(a) **LIMITATION ON FISCAL YEAR 2007 AMOUNT.**—Of the amount authorized to be ap-

propriated for the Army for fiscal year 2007 for Other Procurement, Army, that is available for the program of the Army designated as the Bridge to Future Networks, not more than 70 percent shall be made available for obligation until the Secretary of the Army submits to the congressional defense committees a report on that program that includes the matters specified in subsection (b).

(b) **MATTERS TO BE INCLUDED.**—The report under subsection (a) shall include the following:

(1) An analysis of how the Joint Network Node (JNN) element of the Bridge to Future Networks program and the Warfighter Information Network-Tactical (WIN-T) program will fit together, including an analysis of whether there are opportunities to leverage technologies and equipment from the Joint Network Node program as part of the development of the Warfighter Information Network-Tactical program.

(2) A description of the extent to which components of the Joint Network Node and the Warfighter Information Network-Tactical programs could be used together as elements of a single tactical network.

(3) A description of the strategy of the Army for completing the systems engineering necessary to ensure the end-to-end interoperability of a single tactical network referred to in paragraph (2).

Subtitle C—Navy Programs**SEC. 121. ATTACK SUBMARINE FORCE STRUCTURE.**

Section 5062 of title 10, United States Code, is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following new subsection (c):

"(c) The naval combat forces of the Navy shall include not less than 48 operational attack submarines. For purposes of this subsection, an operational attack submarine includes an attack submarine that is temporarily unavailable for worldwide deployment due to routine or scheduled maintenance or repair."

SEC. 122. ADHERENCE TO NAVY COST ESTIMATES FOR CVN-21 CLASS OF AIRCRAFT CARRIERS.

(a) **LIMITATION.**—

(1) **LEAD SHIP.**—The total amount obligated or expended from funds appropriated or otherwise made available for Shipbuilding and Conversion, Navy, or for any other procurement account, for the aircraft carrier designated as CVN-21 may not exceed \$10,500,000,000 (as adjusted pursuant to subsection (b)).

(2) **FOLLOW-ON SHIPS.**—The total amount obligated or expended from funds appropriated or otherwise made available for Shipbuilding and Conversion, Navy, or for any other procurement account, for the construction of any ship that is constructed in the CVN-21 class of aircraft carriers after the lead ship of that class may not exceed \$8,100,000,000 (as adjusted pursuant to subsection (b)).

(b) **ADJUSTMENT OF LIMITATION AMOUNT.**—The Secretary of the Navy may adjust the amount set forth in subsection (a) for any ship constructed in the CVN-21 class of aircraft carriers by the following:

(1) The amounts of increases or decreases in costs attributable to economic inflation after September 30, 2006.

(2) The amounts of increases or decreases in costs attributable to compliance with changes in Federal, State, or local laws enacted after September 30, 2006.

(3) The amounts of outfitting costs and post-delivery costs incurred for that ship.

(4) The amounts of increases or decreases in costs of that ship that are attributable to insertion of new technology into that ship, as compared to the technology baseline as it was defined in the approved acquisition program baseline estimate of December 2005.

(c) **LIMITATION ON TECHNOLOGY INSERTION COST ADJUSTMENT.**—The Secretary of the Navy

may use the authority under paragraph (4) of subsection (b) to adjust the amount set forth in subsection (a) for a ship referred to in that subsection with respect to insertion of new technology into that ship only if—

(1) the Secretary determines, and certifies to the congressional defense committees, that insertion of the new technology would lower the life-cycle cost of the ship; or

(2) the Secretary determines, and certifies to the congressional defense committees, that insertion of the new technology is required to meet an emerging threat and the Secretary of Defense certifies to those committees that such threat poses grave harm to national security.

(d) **WRITTEN NOTICE OF CHANGE IN AMOUNT.**—

(1) **REQUIREMENT.**—The Secretary of the Navy shall submit to the congressional defense committees each year, at the same time that the budget is submitted under section 1105(a) of title 31, United States Code, for the next fiscal year, written notice of any change in the amount set forth in subsection (a) during the preceding fiscal year that the Secretary has determined to be associated with a cost referred to in subsection (b).

(2) **EFFECTIVE DATE.**—The requirement in paragraph (1) shall become effective with the budget request for the year of procurement of the first ship referred to in subsection (a).

SEC. 123. ADHERENCE TO NAVY COST ESTIMATES FOR LHA REPLACEMENT AMPHIBIOUS ASSAULT SHIP PROGRAM.

(a) **LIMITATION.**—The total amount obligated or expended from funds appropriated or otherwise made available for Shipbuilding and Conversion, Navy, or for any other procurement account, for procurement of any ship that is constructed under the LHA Replacement (LHA(R)) amphibious assault ship program may not exceed \$2,813,600,000 (as adjusted pursuant to subsection (b)).

(b) **ADJUSTMENT OF LIMITATION AMOUNT.**—The Secretary of the Navy may adjust the amount set forth in subsection (a) for any ship constructed under the LHA Replacement amphibious assault ship program by the following:

(1) The amounts of increases or decreases in costs attributable to economic inflation after September 30, 2006.

(2) The amounts of increases or decreases in costs attributable to compliance with changes in Federal, State, or local laws enacted after September 30, 2006.

(3) The amounts of outfitting costs and post-delivery costs incurred for that ship.

(4) The amounts of increases or decreases in costs of that ship that are attributable to insertion of new technology into that ship, as compared to the technology baseline as it was defined at the development stage referred to as Milestone B.

(c) **LIMITATION ON TECHNOLOGY INSERTION COST ADJUSTMENT.**—The Secretary of the Navy may use the authority under paragraph (4) of subsection (b) to adjust the amount set forth in subsection (a) for a ship referred to in that subsection with respect to insertion of new technology into that ship only if—

(1) the Secretary determines, and certifies to the congressional defense committees, that insertion of the new technology would lower the life-cycle cost of the ship; or

(2) the Secretary determines, and certifies to the congressional defense committees, that insertion of the new technology is required to meet an emerging threat and the Secretary of Defense certifies to those committees that such threat poses grave harm to national security.

(d) **WRITTEN NOTICE OF CHANGE IN AMOUNT.**—

(1) **REQUIREMENT.**—The Secretary of the Navy shall submit to the congressional defense committees each year, at the same time that the budget is submitted under section 1105(a) of title 31, United States Code, for the next fiscal year, written notice of any change in the amount set forth in subsection (a) during the preceding fiscal year that the Secretary has determined to be

associated with a cost referred to in subsection (b).

(2) **EFFECTIVE DATE.**—The requirement in paragraph (1) shall become effective with the budget request for the year of procurement of the first ship referred to in subsection (a).

SEC. 124. ADHERENCE TO NAVY COST ESTIMATES FOR SAN ANTONIO (LPD-17) CLASS AMPHIBIOUS SHIP PROGRAM.

(a) **LIMITATION.**—

(1) **PROCUREMENT COST.**—The total amount obligated or expended from funds appropriated or otherwise made available for Shipbuilding and Conversion, Navy, or for any other procurement account, for the San Antonio-class amphibious ships designated as LPD-18, LPD-19, LPD-20, LPD-21, LPD-22, LPD-23, LPD-24, and LPD-25 may not exceed the amount for each such vessel specified in paragraph (2) (those specified amounts being the estimated total procurement end cost of those vessels, respectively, in the fiscal year 2007 budget):

(2) **SPECIFIED COST LIMIT BY VESSEL.**—The limitation under this subsection for each vessel specified in paragraph (1) is the following:

(A) For the LPD-18 ship, \$1,111,310,000 (as adjusted pursuant to subsection (b)).

(B) For the LPD-19 ship, \$1,137,400,000 (as adjusted pursuant to subsection (b)).

(C) For the LPD-20 ship, \$1,004,600,000 (as adjusted pursuant to subsection (b)).

(D) For the LPD-21 ship, \$1,126,966,000 (as adjusted pursuant to subsection (b)).

(E) For the LPD-22 ship, \$1,246,736,000 (as adjusted pursuant to subsection (b)).

(F) For the LPD-23 ship, \$1,191,230,000 (as adjusted pursuant to subsection (b)).

(G) For the LPD-24 ship, \$1,133,001,000 (as adjusted pursuant to subsection (b)).

(H) For the LPD-25 ship, \$1,671,800,000 (as adjusted pursuant to subsection (b)).

(b) **ADJUSTMENT OF LIMITATION AMOUNTS.**—The Secretary of the Navy may adjust the amount set forth in subsection (a) for any ship specified in that subsection by the following:

(1) The amounts of increases or decreases in costs attributable to economic inflation after September 30, 2006.

(2) The amounts of increases or decreases in costs attributable to compliance with changes in Federal, State, or local laws enacted after September 30, 2006.

(3) The amounts of outfitting costs and post-delivery costs incurred for that ship.

(4) The amounts of increases or decreases in costs of that ship that are attributable to insertion of new technology into that ship, as compared to the technology built into the U.S.S. San Antonio (LPD-17), the lead ship of the LPD-17 class.

(c) **LIMITATION ON TECHNOLOGY INSERTION COST ADJUSTMENT.**—The Secretary of the Navy may use the authority under paragraph (4) of subsection (b) to adjust the amount set forth in subsection (a) for any LPD-17 class ship with respect to insertion of new technology into that ship only if—

(1) the Secretary determines, and certifies to the congressional defense committees, that insertion of the new technology would lower the life-cycle cost of the ship; or

(2) the Secretary determines, and certifies to the congressional defense committees, that insertion of the new technology is required to meet an emerging threat and the Secretary of Defense certifies to those committees that such threat poses grave harm to national security.

(d) **WRITTEN NOTICE OF CHANGE IN AMOUNT.**—

(1) **REQUIREMENT.**—The Secretary of the Navy shall submit to the congressional defense committees each year, at the same time that the budget is submitted under section 1105(a) of title 31, United States Code, for the next fiscal year, written notice of any change in the amount set forth in subsection (a) during the preceding fiscal year that the Secretary has determined to be associated with a cost referred to in subsection (b).

(2) **EFFECTIVE DATE.**—The requirement in paragraph (1) shall become effective with the budget request for the year of procurement of the first ship referred to in subsection (a).

SEC. 125. MULTYEAR PROCUREMENT AUTHORITY FOR V-22 TILTROTOR AIRCRAFT PROGRAM.

The Secretary of the Navy, in accordance with section 2306b of title 10, United States Code, and acting as executive agent for the Secretary of the Air Force and the commander of the United States Special Operations Command, may enter into a multiyear contract, beginning with the fiscal year 2008 program year, for procurement of V-22 tiltrotor aircraft. The total number of aircraft procured through a multiyear contract under this section may not exceed 211, of which not more than 185 may be in the MV-22 configuration and not more than 26 may be in the CV-22 configuration.

SEC. 126. QUALITY CONTROL IN PROCUREMENT OF SHIP CRITICAL SAFETY ITEMS AND RELATED SERVICES.

(a) **IN GENERAL.**—

(1) **QUALITY CONTROL POLICY.**—Chapter 633 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 7317. Ship critical safety items and related services: quality control in procurement

“(a) **QUALITY CONTROL POLICY.**—The Secretary of Defense shall prescribe in regulations a quality control policy for the procurement of—

“(1) ship critical safety items; and

“(2) modifications, repair, and overhaul of ship critical safety items.

“(b) **CONTENT OF REGULATIONS.**—The policy set forth in the regulations under subsection (a) shall include the following requirements:

“(1) That the head of the design control activity for ship critical safety items establish processes to identify and manage the procurement, modification, repair, and overhaul of ship critical safety items.

“(2) That the head of the contracting activity for a ship critical safety item enter into a contract for the procurement, modification, repair, or overhaul of such item only with a source that is on a qualified manufacturers list or is approved by the design control activity in accordance with section 2319 of this title.

“(3) That the ship critical safety items delivered, and the services performed with respect to ship critical safety items, meet all technical and quality requirements specified by the design control activity.

“(c) **DEFINITIONS.**—In this section:

“(1) The term ‘ship critical safety item’ means any part, assembly, or support equipment of a vessel that contains a critical characteristic the failure, malfunction, or absence of which may cause a catastrophic or critical failure resulting in loss or serious damage to the vessel or unacceptable risk of personal injury or loss of life.

“(2) The term ‘design control activity’, with respect to a ship critical safety item, means the systems command of a military department that is specifically responsible for ensuring the seaworthiness of a ship system or equipment in which the item is to be used.”.

(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“7317. Ship critical safety items and related services: quality control in procurement.”.

(b) **CONFORMING AMENDMENTS.**—Section 2319 of title 10, United States Code, is amended—

(1) in subsection (c)(3), by inserting “or ship critical safety item” after “aviation critical safety item”; and

(2) in subsection (g)—

(A) by redesignating paragraph (2) as paragraph (3);

(B) by inserting after paragraph (1) the following new paragraph (2):

“(2) The term ‘ship critical safety item’ has the meaning given that term in section 7317(c) of this title.”; and

(C) in paragraph (3) (as redesignated)—

(i) by inserting “or a ship critical safety item” after “aviation critical safety item” the first place it appears; and

(ii) by inserting “, or the seaworthiness of a ship system or equipment,” after “equipment”.

SEC. 127. DD(X) NEXT-GENERATION DESTROYER PROGRAM.

(a) **FUNDING AUTHORIZED.**—Of the amount authorized to be appropriated by section 102(a)(3) for fiscal year 2007 for Shipbuilding and Conversion, Navy, \$2,568,000,000 is available for the DD(X) Next-Generation Destroyer program.

(b) **CONTRACT AUTHORITY.**—The Secretary of the Navy may enter into two contracts during fiscal year 2007 for the DD(X) Next-Generation Destroyer program. The contracts shall be entered into with two different shipbuilders. One such contract shall provide for procurement of a DD(X) Next-Generation destroyer, including detail design and construction. The other contract shall provide only for detail design of a DD(X) Next-Generation destroyer. The two contracts shall be awarded simultaneously.

SEC. 128. SENSE OF CONGRESS THAT THE NAVY MAKE GREATER USE OF NUCLEAR-POWERED PROPULSION SYSTEMS IN ITS FUTURE FLEET OF SURFACE COMBATANTS.

(a) **FINDINGS.**—Congress makes the following findings:

(1) Securing and maintaining access to affordable and plentiful sources of energy is a vital national security interest for the United States.

(2) The Nation’s dependence upon foreign oil is a threat to national security due to the inherently volatile nature of the global oil market and the political instability of some of the world’s largest oil producing states.

(3) Given the recent increase in the cost of crude oil, which cannot realistically be expected to improve over the long term, other energy sources must be seriously considered.

(b) **SENSE OF CONGRESS.**—In light of the findings in subsection (a), it is the sense of Congress that the Navy should make greater use of alternative technologies, including nuclear power, as a means of vessel propulsion for its future fleet of surface combatants.

Subtitle D—Air Force Programs

SEC. 131. REQUIREMENT FOR B-52 FORCE STRUCTURE.

(a) **REQUIREMENT.**—Before the date specified in subsection (b), the Secretary of the Air Force—

(1) may not retire any B-52 aircraft, other than the aircraft with tail number 61-0025; and

(2) shall maintain not less than 44 such aircraft as combat-coded aircraft.

(b) **TERMINATION.**—For purposes of subsection (a), the date specified in this subsection is the earlier of—

(1) January 1, 2018; and

(2) the date as of which a long-range strike replacement aircraft with equal or greater capability than the B-52H model aircraft has attained initial operational capability status.

SEC. 132. STRATEGIC AIRLIFT FORCE STRUCTURE.

(a) **REQUIRED FORCE STRUCTURE.**—

(1) **MINIMUM NUMBER OF AIRCRAFT.**—Effective October 1, 2008, the Secretary of the Air Force shall maintain a total aircraft inventory of strategic airlift aircraft of not less than 299 aircraft.

(2) **DEFINITIONS.**—For purposes of this subsection:

(A) The term “strategic airlift aircraft” means an aircraft that has a cargo capacity of at least 150,000 pounds and that is capable of transporting outsized cargo an unrefueled range of at least 2,400 nautical miles.

(B) The term “outsized cargo” means any single item of equipment that exceeds 1,090 inches in length, 117 inches in width, or 105 inches in height.

(b) **REPEAL OF LIMITATION ON RETIREMENT OF C-5 AIRCRAFT.**—Section 132 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136; 117 Stat. 1411) is repealed.

SEC. 133. LIMITATION ON RETIREMENT OF U-2 AIRCRAFT.

(a) **FISCAL YEAR 2007.**—The Secretary of the Air Force may not retire any U-2 aircraft of the Air Force in fiscal year 2007.

(b) **YEARS AFTER FISCAL YEAR 2007.**—After fiscal year 2007, the Secretary of the Air Force may retire a U-2 aircraft only if the Secretary of Defense certifies to Congress that the U-2 intelligence, surveillance, and reconnaissance (ISR) capability provided by the U-2 aircraft no longer contributes to mitigating any gaps in ISR capabilities identified in the 2006 Quadrennial Defense Review. No action may be taken by the Department of Defense to retire (or to prepare to retire) any U-2 aircraft—

(1) before such a certification is submitted to Congress; or

(2) during the 60-day period beginning on the date on which such a certification is submitted.

SEC. 134. MULTIYEAR PROCUREMENT AUTHORITY FOR F-22A RAPTOR FIGHTER AIRCRAFT.

(a) **MULTIYEAR AUTHORITY.**—The Secretary of the Air Force may enter into a multiyear contract for the procurement of up to 60 F-22A Raptor fighter aircraft beginning with the 2007 program year,

(b) **COMPLIANCE WITH LAW APPLICABLE TO MULTIYEAR CONTRACTS.**—A contract under subsection (a) for the procurement of F-22A aircraft shall be entered into in accordance with section 2306b of title 10, United States Code, except that, notwithstanding subsection (k) of that section, such a contract may not be for a period in excess of three program years.

(c) **REQUIRED CERTIFICATIONS.**—In the case of a contract under subsection (a) for the procurement of F-22A aircraft, a certification under subsection (i)(1)(A) of section 2306b of title 10, United States Code, with respect to that contract may only be submitted if the certification includes an additional certification that each of the conditions specified in subsection (a) of that section has been satisfied with respect to that contract.

(d) **NOTICE-AND-WAIT REQUIREMENT.**—Upon submission to Congress of a certification referred to in subsection (c) with respect to a proposed contract under subsection (a) for the procurement of F-22A aircraft, the contract may then be entered into only after a period of 30 days has elapsed after the date of the submission of the certification.

SEC. 135. LIMITATION ON RETIREMENT OF KC-135E AIRCRAFT DURING FISCAL YEAR 2007.

(a) **LIMITATION.**—The number of KC-135E aircraft retired by the Secretary of the Air Force during fiscal year 2007 may not exceed 29.

(b) **TREATMENT OF RETIRED AIRCRAFT.**—The Secretary of the Air Force shall maintain each KC-135E aircraft that is retired by the Secretary after September 30, 2006, in a condition that would allow recall of that aircraft to future service in the Air Force Reserve, Air National Guard, or active forces aerial refueling force structure.

SEC. 136. LIMITATION ON RETIREMENT OF F-117A AIRCRAFT DURING FISCAL YEAR 2007.

(a) **LIMITATION.**—The number of F-117A aircraft retired by the Secretary of the Air Force during fiscal year 2007 may not exceed 10.

(b) **TREATMENT OF RETIRED AIRCRAFT.**—The Secretary of the Air Force shall maintain each F-117A aircraft that is retired by the Secretary after September 30, 2006, in a condition that would allow recall of that aircraft to future service.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.

Sec. 202. Amount for defense science and technology.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. Alternate engine for Joint Strike Fighter.

Sec. 212. Extension of authority to award prizes for advanced technology achievements.

Sec. 213. Extension of Defense Acquisition Challenge Program.

Sec. 214. Future Combat Systems milestone review.

Sec. 215. Independent cost analyses for Joint Strike Fighter engine program.

Sec. 216. Dedicated amounts for implementing or evaluating DD(X) and CVN-21 proposals under Defense Acquisition Challenge Program.

Subtitle C—Ballistic Missile Defense

Sec. 221. Fielding of ballistic missile defense capabilities.

Sec. 222. Limitation on use of funds for space-based interceptor.

Subtitle D—Other Matters

Sec. 231. Review of test and evaluation policies and practices to address emerging acquisition approaches.

Subtitle A—Authorization of Appropriations**SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

Funds are hereby authorized to be appropriated for fiscal year 2007 for the use of the Department of Defense for research, development, test, and evaluation as follows:

(1) For the Army, \$10,932,209,000.

(2) For the Navy, \$17,377,769,000.

(3) For the Air Force, \$24,810,041,000.

(4) For Defense-wide activities, \$20,944,559,000, of which \$181,520,000 is authorized for the Director of Operational Test and Evaluation.

SEC. 202. AMOUNT FOR DEFENSE SCIENCE AND TECHNOLOGY.

(a) **FISCAL YEAR 2007.**—Of the amounts authorized to be appropriated by section 201, \$11,735,555,000 shall be available for the Defense Science and Technology Program, including basic research, applied research, and advanced technology development projects.

(b) **BASIC RESEARCH, APPLIED RESEARCH, AND ADVANCED TECHNOLOGY DEVELOPMENT DEFINED.**—For purposes of this section, the term “basic research, applied research, and advanced technology development” means work funded in program elements for defense research and development under Department of Defense category 6.1, 6.2, or 6.3.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. ALTERNATE ENGINE FOR JOINT STRIKE FIGHTER.

Of the funds authorized to be appropriated for the Departments of the Navy and Air Force for the system development and demonstration program for the Joint Strike Fighter, not less than \$408,000,000 shall be obligated for continued development of an alternate engine for the Joint Strike Fighter.

SEC. 212. EXTENSION OF AUTHORITY TO AWARD PRIZES FOR ADVANCED TECHNOLOGY ACHIEVEMENTS.

Section 2374a(f) of title 10, United States Code, is amended by striking “September 30, 2007” and inserting “September 30, 2010”.

SEC. 213. EXTENSION OF DEFENSE ACQUISITION CHALLENGE PROGRAM.

(a) **EXTENSION.**—Section 2359b of title 10, United States Code, is amended by striking subsection (j).

(b) **CONFIDENTIALITY.**—Such section is further amended in subsection (g)—

(1) by amending the heading to read as follows: “CONFLICTS OF INTEREST AND CONFIDENTIALITY.—”; and

(2) by inserting before the period at the end the following: “and that the identity of any person or activity submitting a challenge proposal is not disclosed outside the Federal Government without the consent of the person or activity”.

SEC. 214. FUTURE COMBAT SYSTEMS MILESTONE REVIEW.

(a) **MILESTONE REVIEW REQUIRED.**—After the preliminary design review of the Future Combat Systems program, but in no event later than the end of fiscal year 2008, the Secretary of Defense shall carry out a Defense Acquisition Board milestone review of the Future Combat Systems program. The milestone review shall include an assessment as to each of the following:

(1) Whether the warfighter's needs are valid and can be best met with the concept of the program.

(2) Whether the concept of the program can be developed and produced within existing resources.

(3) Whether the program should continue.

(b) **DETERMINATIONS TO BE MADE IN ASSESSING WHETHER PROGRAM SHOULD CONTINUE.**—In making the assessment required by subsection (a)(3), the Secretary shall make a determination with respect to each of the following:

(1) Whether each critical technology for the program is at least Technical Readiness Level 6.

(2) For each system and network component of the program, what the key design and technology risks are, based on System Functional Reviews, Preliminary Design Reviews, and Technical Readiness Levels.

(3) Whether actual demonstrations, rather than simulations, have shown that the concept of the program will work.

(4) Whether actual demonstrations, rather than plans, have shown that the software for the program is functional.

(5) What the cost estimate for the program is.

(6) What the affordability assessment for the program is, based on that cost estimate.

(c) **REPORT.**—The Secretary shall submit to the congressional defense committees a report on the findings and conclusions of the milestone review required by subsection (a). The report shall include, and display, each of the assessments required by subsection (a) and each of the determinations required by subsection (b).

(d) **RESTRICTION ON FUNDS EFFECTIVE FISCAL 2009.**—For fiscal years beginning with 2009, the Secretary may not obligate any funds for the Future Combat Systems program until after the report required by subsection (c) is submitted.

SEC. 215. INDEPENDENT COST ANALYSES FOR JOINT STRIKE FIGHTER ENGINE PROGRAM.

(a) **INDEPENDENT COST ANALYSES.**—A comprehensive and detailed cost analysis of the Joint Strike Fighter engine program shall be independently performed by the Comptroller General and by the Secretary of Defense, acting through the Cost Analysis Improvement Group of the Office of the Secretary of Defense. The cost analysis shall cover—

(1) an alternative under which the aircraft are capable of using the F135 engine only;

(2) an alternative under which the aircraft are capable of using either the F135 engine or the F136 engine, and is carried out on a competitive basis; and

(3) any other alternative, whether competitive or sole source, that would reduce total life-cycle cost, improve program schedule, or both.

(b) **REPORTS.**—Not later than March 15, 2007, each official specified in subsection (a) shall independently submit to the congressional defense committees a report on the cost analysis carried out by that official under subsection (a). Each report shall include each of the following matters:

(1) The key assumptions used in carrying out the cost analysis.

(2) The methodology and techniques used in carrying out the cost analysis.

(3) For each alternative under subsection (a)—

(A) a comparison of the life-cycle costs, including costs in current and constant dollars and a net-present-value analysis; and

(B) estimates of—

(i) supply, maintenance, and other operations manpower required to support the alternative;

(ii) the number of flight hours required to achieve engine maturity and in what year that is expected to be achieved; and

(iii) the total number of engines expected to be procured over the lifetime of the Joint Strike Fighter program.

(4) The acquisition strategies that were used for, and the experience with respect to cost, schedule, and performance under past acquisition programs for engines for tactical fighter aircraft, including the F-15, F-16, F-18, and F-22.

(5) A comparison of the experiences under past engine acquisition programs carried out on a sole-source basis, and those carried out on a competitive basis, with respect to performance, savings, maintainability, reliability, and technical innovation.

(6) Conclusions and recommendations.

(c) **CERTIFICATION BY COMPTROLLER GENERAL.**—In submitting the report required by subsection (b), the Comptroller General shall also submit a certification as to whether the Comptroller General had access to sufficient information to enable the Comptroller General to make informed judgments on the matters required to be included in the report.

(d) **LIFE-CYCLE COSTS DEFINED.**—In this section, the term “life-cycle costs” includes those elements of cost that would be considered for a life-cycle cost analysis for a major defense acquisition program, such as procurement of engines, procurement of spare engines, and procurement of engine components and parts, and also includes good-faith estimates of routine engine costs, such as performance upgrades and component improvement, that historically have occurred in tactical fighter engine programs.

SEC. 216. DEDICATED AMOUNTS FOR IMPLEMENTING OR EVALUATING DD(X) AND CVN-21 PROPOSALS UNDER DEFENSE ACQUISITION CHALLENGE PROGRAM.

(a) **AMOUNTS REQUIRED.**—Of the amounts appropriated pursuant to the authorization of appropriations in section 201(4) for research, development, test, and evaluation, Defense-wide, \$4,000,000 shall be available only to implement or evaluate challenge proposals specified in subsection (b).

(b) **CHALLENGE PROPOSALS COVERED.**—A challenge proposal referred to in subsection (a) is a proposal under the Defense Acquisition Challenge Program established by section 2359b of title 10, United States Code, that relates to—

(1) the DD(X) next-generation destroyer program; or

(2) the CVN-21 next-generation aircraft carrier program.

Subtitle C—Ballistic Missile Defense

SEC. 221. FIELDING OF BALLISTIC MISSILE DEFENSE CAPABILITIES.

Upon approval by the Secretary of Defense, funds authorized to be appropriated for fiscal years 2007 and 2008 for research, development, test, and evaluation for the Missile Defense Agency may be used for the development and fielding of ballistic missile defense capabilities.

SEC. 222. LIMITATION ON USE OF FUNDS FOR SPACE-BASED INTERCEPTOR.

(a) **LIMITATION.**—No funds appropriated or other wise made available to the Department of Defense may be obligated or expended for the testing or deployment of a space-based interceptor until 90 days after the date on which a report described in subsection (c) is submitted.

(b) **SPACE-BASED INTERCEPTOR DEFINED.**—For purposes of this section, the term “space-based interceptor” means a kinetic or directed energy weapon that is stationed on a satellite or orbiting platform and that is intended to destroy another satellite in orbit or a ballistic missile launched from earth.

(c) **REPORT.**—A report described in this subsection is a report prepared by the Director of the Missile Defense Agency and submitted to the congressional defense committees containing the following:

(1) A description of the essential components of a proposed space-based interceptor system, including a description of how the system proposed would enhance or complement other missile defense systems.

(2) An estimate of the acquisition and life-cycle cost of the system described under paragraph (1), including lift cost and periodic replacement cost due to depreciation and attrition.

(3) An analysis of the vulnerability of such a system to counter-measures, including direct ascent and co-orbital interceptors, and an analysis of the functionality of such a system in the aftermath of a nuclear detonation in space.

(4) A projection of the foreign policy and national security implications of a space-based interceptor program, including the probable response of United States adversaries and United States allies.

Subtitle D—Other Matters

SEC. 231. REVIEW OF TEST AND EVALUATION POLICIES AND PRACTICES TO ADDRESS EMERGING ACQUISITION APPROACHES.

(a) **REVISION TO REPORT REQUIREMENT.**—Section 2399(b)(2)(B) of title 10, United States Code, is amended by striking “tested are effective and suitable for combat” and inserting the following: “tested—

“(i) are effective and suitable for combat in accordance with the users’ standards for effectiveness and suitability as reflected in the requirements process; or

“(ii) are operationally acceptable under certain restricted conditions, as delineated by the Director.”.

(b) **REVIEW OF TEST AND EVALUATION POLICIES.**—

(1) **IN GENERAL.**—The Under Secretary of Defense for Acquisition, Technology, and Logistics, in coordination with the Director of Operational Test and Evaluation and the Director of the Defense Test Resource Management Center, shall conduct a review of test and evaluation policies and practices of the Department of Defense and issue such new or revised guidance as may be necessary to address emerging acquisition approaches.

(2) **ISSUES TO BE ADDRESSED.**—The issues to be addressed by the Under Secretary in the review under paragraph (1) shall include, at a minimum, appropriate policies and practices for—

(A) ensuring the adequacy and the expediency of test and evaluation activities with regard to—

(i) items that are acquired pursuant to the rapid acquisition authority in section 806 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (10 U.S.C. 2302 note);

(ii) programs that are conducted pursuant to the spiral development authority in section 803 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (10 U.S.C. 2430 note) or other authority for the conduct of incremental acquisition programs);

(iii) systems that are acquired pursuant to other emerging acquisition approaches, as approved by the Under Secretary; and

(iv) materiel that is not subject to the operational test and evaluation requirements in sections 2366 and 2399 of title 10, United States Code, but which may require limited operational test and evaluation for the purposes of ensuring the safety and realistic survivability of the materiel and the personnel using the materiel; and

(B) the appropriate use, if any, of operational test and evaluation resources to assess technology readiness levels for purposes of section 2366a of title 10, United States Code, and other applicable technology readiness requirements.

(c) **INCLUSION OF TESTING NEEDS IN STRATEGIC PLAN.**—The Director of the Defense Test Resource Management Center shall ensure that the strategic plan for Department of Defense test and evaluation resources required by section 196 of title 10, United States Code—

(1) reflects any testing needs of the Department of Defense that are identified in the review under paragraph (1); and

(2) includes an assessment of the test and evaluation facilities, resources, and budgets that will be required to meet such needs.

(d) **REPORT.**—Not later than nine months after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall submit to the congressional defense committees a report on the review conducted, and any new or revised guidance issued, pursuant to subsection (b).

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

Sec. 301. Operation and maintenance funding.

Sec. 302. Working capital funds.

Sec. 303. Other Department of Defense Programs.

Subtitle B—Environmental Provisions

Sec. 311. Revision of requirement for unexploded ordnance program manager.

Sec. 312. Identification and monitoring of military munitions disposal sites in ocean waters extending from United States coast to outer boundary of outer Continental Shelf.

Sec. 313. Reimbursement of Environmental Protection Agency for certain costs in connection with Moses Lake Wellfield Superfund Site, Moses Lake, Washington.

Sec. 314. Funding of cooperative agreements under environmental restoration program.

Sec. 315. Analysis and report regarding contamination and remediation responsibility for Norwalk Defense Fuel Supply Point, Norwalk, California.

Subtitle C—Workplace and Depot Issues

Sec. 321. Extension of exclusion of certain expenditures from percentage limitation on contracting for depot-level maintenance.

Sec. 322. Minimum capital investment for Air Force depots.

Sec. 323. Extension of temporary authority for contractor performance of security guard functions.

Subtitle D—Reports

Sec. 331. Report on Nuclear Attack Submarine Depot Maintenance.

Sec. 332. Report on Navy Fleet Response Plan.

Sec. 333. Report on Navy surface ship rotational crew programs.

Sec. 334. Report on Army live-fire ranges in Hawaii.

Sec. 335. Comptroller General report on joint standards and protocols for access control systems at Department of Defense installations.

Sec. 336. Report on Personnel Security Investigations for Industry and National Industrial Security Program.

Subtitle E—Other Matters

Sec. 341. Department of Defense strategic policy on prepositioning of materiel and equipment.

Sec. 342. Authority to make Department of Defense horses available for adoption at end of useful working life.

Sec. 343. Sale and use of proceeds of recyclable munitions materials.

Sec. 344. Capital security cost sharing.

Sec. 345. Prioritization of funds within Navy mission operations, ship maintenance, combat support forces, and weapons system support.

Sec. 346. Prioritization of funds within Army reconstitution and transformation.

Subtitle A—Authorization of Appropriations**SEC. 301. OPERATION AND MAINTENANCE FUNDING.**

Funds are hereby authorized to be appropriated for fiscal year 2007 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

- (1) For the Army, \$24,920,735,000.
- (2) For the Navy, \$31,089,075,000.
- (3) For the Marine Corps, \$3,974,081,000.
- (4) For the Air Force, \$31,098,957,000.
- (5) For Defense-wide activities, \$19,876,763,000.
- (6) For the Army Reserve, \$2,300,102,000.
- (7) For the Naval Reserve, \$1,288,764,000.
- (8) For the Marine Corps Reserve, \$211,911,000.
- (9) For the Air Force Reserve, \$2,723,800,000.
- (10) For the Army National Guard, \$5,089,565,000.
- (11) For the Air National Guard, \$5,336,017,000.
- (12) For the United States Court of Appeals for the Armed Forces, \$11,721,000.
- (13) For Environmental Restoration, Army, \$413,794,000.
- (14) For Environmental Restoration, Navy, \$304,409,000.
- (15) For Environmental Restoration, Air Force, \$423,871,000.
- (16) For Environmental Restoration, Defense-wide, \$18,431,000.
- (17) For Environmental Restoration, Formerly Used Defense Sites, \$242,790,000.
- (18) For Overseas Humanitarian, Disaster, and Civic Aid programs, \$63,204,000.
- (19) For Cooperative Threat Reduction programs, \$372,128,000.
- (20) For the Overseas Contingency Operations Transfer Fund, \$10,000,000.

SEC. 302. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2007 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds in amounts as follows:

- (1) For the Defense Working Capital Funds, \$180,498,000.
- (2) For the National Defense Sealift Fund, \$1,138,732,000.
- (3) For the Defense Working Capital Fund, Defense Commissary, \$1,184,000,000.

SEC. 303. OTHER DEPARTMENT OF DEFENSE PROGRAMS.

(a) **DEFENSE HEALTH PROGRAM.**—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2007 for expenses, not otherwise provided for, for the Defense Health Program, in the amount of \$21,226,521,000, of which—

- (1) \$20,699,563,000 is for Operation and Maintenance;
- (2) \$130,603,000 is for Research, Development, Test, and Evaluation; and
- (3) \$396,355,000 is for Procurement.

(b) **DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.**—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2007 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide, in the amount of \$926,890,000.

(c) **DEFENSE INSPECTOR GENERAL.**—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2007 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense, in the amount of \$216,297,000, of which—

- (1) \$214,897,000 is for Operation and Maintenance;
- (2) \$1,400,000 is for Procurement; and
- (3) \$0 is for Research, Development, Test, and Evaluation.

Subtitle B—Environmental Provisions**SEC. 311. REVISION OF REQUIREMENT FOR UNEXPLODED ORDNANCE PROGRAM MANAGER.**

Section 2701(k) of title 10, United States Code, is amended—

- (1) in paragraph (1)—
(A) by striking “establish” and inserting “designate”;
- (B) by inserting “research,” after “characterization,”; and
- (C) by adding at the end the following: “The position of program manager shall be filled by—
“(A) in the case of an employee, an employee in a position that is equivalent to pay grade O-6 or above; or
“(B) in the case of a member of the armed forces, a commissioned officer of the Army, Navy, Air Force, or Marine Corps who is serving in the grade of colonel, or in the case of the Navy, captain, or a higher grade.”; and
- (2) by striking paragraph (2) and inserting the following:
“(2) The program manager shall report to the Deputy Under Secretary of Defense for Installations and Environment.”.

SEC. 312. IDENTIFICATION AND MONITORING OF MILITARY MUNITIONS DISPOSAL SITES IN OCEAN WATERS EXTENDING FROM UNITED STATES COAST TO OUTER BOUNDARY OF OUTER CONTINENTAL SHELF.

(a) **IDENTIFICATION OF MILITARY MUNITIONS DISPOSAL SITES.**—

(1) **REVIEW OF HISTORICAL RECORDS.**—The Secretary of Defense shall conduct a review of historical records to determine—

(A) the number and probable locations of sites where the Armed Forces disposed of military munitions within covered United States ocean waters;

(B) the size of the disposal sites; and

(C) the types and quantities of military munitions disposed of at the sites.

(2) **COOPERATION.**—The Secretary shall request the assistance of the Coast Guard, the National Oceanic and Atmospheric Administration, and other relevant Federal agencies in conducting the review required by this subsection.

(3) **RELEASE OF INFORMATION.**—The Secretary shall periodically release, but no less often than annually, information obtained during the review conducted under this subsection. The Secretary may withhold from public release information about the exact nature and location of a disposal site if the Secretary determines that the potential unauthorized retrieval of military munitions at the site could pose a significant threat to national defense or public safety.

(4) **REPORTING REQUIREMENTS.**—The Secretary shall include the information obtained during a year through the review conducted under this subsection in the report submitted to Congress under section 2706(a) of title 10, United States Code, for the same year.

(b) **IDENTIFICATION OF NAVIGATIONAL AND SAFETY HAZARDS.**—

(1) **INFORMATION FOR NAUTICAL CHARTS AND OTHER NAVIGATIONAL MATERIALS.**—The Secretary shall share information obtained through the review conducted under subsection (a) with the Secretary of Commerce to assist the National Oceanic and Atmospheric Administration in preparing nautical charts and other navigational materials for covered United States ocean waters to identify known or probable hazards from disposed military munitions.

(2) **INFORMATION FOR USERS.**—The Secretary shall continue activities to inform potentially affected users of the ocean environment, and particularly fishing operations, of the possible hazards from contact with military munitions and the proper methods to mitigate such hazards.

(c) **RESEARCH.**—

(1) **IN GENERAL.**—The Secretary shall conduct research on the effects of military munitions disposed of in covered United States ocean waters.

(2) **SPECIFIED RESEARCH EFFORTS.**—The research conducted under this subsection shall include the following:

(A) The sampling and analysis of ocean waters and seabeds at or adjacent to the military munitions disposal sites selected by the Secretary under paragraph (4).

(B) The investigation into the long-term effects of seawater exposure on military munitions, particularly chemical munitions.

(C) The development of effective safety measures when dealing with military munitions disposed of in seawater.

(3) **RESEARCH METHODS.**—In conducting research under this subsection, the Secretary may make grants to, and enter into cooperative agreements with, qualified research entities, as determined by the Secretary.

(4) **RESEARCH LOCATIONS.**—In conducting research under this subsection, the Secretary shall ensure that the sampling, analysis, and investigations are conducted at reasonably representative sites applying factors such as depth, water temperature, nature of the military munitions present, and relative proximity to shore populations. The Secretary shall select at least two representative sites from each of the following areas:

- (A) Along the Atlantic coast.
- (B) Along the Pacific coast (including the coast of Alaska).
- (C) Off the shore of the Hawaiian Islands.

(d) **MONITORING.**—If research conducted under subsection (c) at a military munitions disposal site indicates that the disposed military munitions have caused or may be causing contamination of ocean waters or seabeds, the Secretary shall institute appropriate monitoring mechanisms at that site to recognize and track the potential release of contamination into the ocean waters from military munitions.

(e) **DEFINITIONS.**—In this Act:

(1) The term “coast line” has the same meaning given that term in section 2 of the Submerged Lands Act (43 U.S.C. 1301).

(2) The term “covered United States ocean waters” means that part of the ocean extending from the coast line to the outer boundary of the outer Continental Shelf.

(3) The term “military munitions” has the same meaning given that term in section 101(e) of title 10, United States Code.

(4) The term “outer Continental Shelf” has the same meaning given that term in section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. 1331).

(5) The term “Secretary” means the Secretary of Defense.

SEC. 313. REIMBURSEMENT OF ENVIRONMENTAL PROTECTION AGENCY FOR CERTAIN COSTS IN CONNECTION WITH MOSES LAKE WELLFIELD SUPERFUND SITE, MOSES LAKE, WASHINGTON.

(a) **AUTHORITY TO REIMBURSE.**—Using funds described in subsection (b), the Secretary of Defense may transfer not more than \$111,114.03 to the Moses Lake Wellfield Superfund Site 10-6J Special Account to reimburse the Environmental Protection Agency for the costs incurred by the Environmental Protection Agency in overseeing a remedial investigation and feasibility study performed by the Department of the Army under the Defense Environmental Restoration Program at the former Larson Air Force Base, Moses Lake Wellfield Superfund Site, Moses Lake, Washington. This reimbursement is provided for in the March 1999 interagency agreement entered into by the Department of the Army and the Environmental Protection Agency for the Moses Lake Wellfield Superfund Site.

(b) **SOURCE OF FUNDS.**—Any payment under subsection (a) shall be made using funds authorized to be appropriated by section 301(17) for operation and maintenance for Environmental Restoration, Formerly Used Defense Sites.

SEC. 314. FUNDING OF COOPERATIVE AGREEMENTS UNDER ENVIRONMENTAL RESTORATION PROGRAM.

Section 2701(d)(2) of title 10, United States Code, is amended by adding at the end the following new sentence: "This two-year limitation does not apply to an agreement funded using amounts in the Department of Defense Base Closure Account 1990 or the Department of Defense Base Closure Account 2005 established under sections 2906 and 2906A of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).".

SEC. 315. ANALYSIS AND REPORT REGARDING CONTAMINATION AND REMEDIATION RESPONSIBILITY FOR NORWALK DEFENSE FUEL SUPPLY POINT, NORWALK, CALIFORNIA.

(a) **ANALYSIS REQUIRED.**—The Secretary of the Air Force shall conduct a comprehensive analysis on the contamination and remediation costs of the Norwalk Defense Fuel Supply Point in Norwalk, California. As part of the analysis, the Secretary shall—

(1) characterize the contamination at the Norwalk Defense Fuel Supply Point;

(2) prepare a plan for the remediation of the Norwalk Defense Fuel Supply Point;

(3) prepare an estimate of anticipated costs to responsible parties;

(4) prepare a timeline for implementation and completion of the remediation at the Norwalk Defense Fuel Supply Point;

(5) describe the status of efforts to reach an allocation agreement of responsibility for remediation of the Norwalk Defense Fuel Supply Point with all entities that have contributed to the contamination of the property; and

(6) prepare a plan for removal or conveyance of infrastructure at the Norwalk Defense Fuel Supply Point, including costs and responsibility for those costs of elements of that plan.

(b) **REPORT REQUIRED.**—Not later than January 30, 2007, the Secretary shall submit to Congress a report containing the results of the analysis conducted under subsection (a) and addressing each of the matters specified in paragraphs (1) through (6) of such subsection.

(c) **CONVEYANCE REQUIREMENTS.**—The Secretary shall not convey property by public auction at the Norwalk Defense Fuel Supply Point before such time as the Secretary has—

(1) pursued a fair market transfer of the property to the City of Norwalk, California, taking into consideration all contamination of the property;

(2) submitted the report required by subsection (b); and

(3) submitted an additional report to Congress explaining the efforts undertaken by the Secretary to reach agreement with the City on the sale of the property, including the reasons that those efforts were not successful, and 30-days have elapsed after this report is submitted.

Subtitle C—Workplace and Depot Issues

SEC. 321. EXTENSION OF EXCLUSION OF CERTAIN EXPENDITURES FROM PERCENTAGE LIMITATION ON CONTRACTING FOR DEPOT-LEVEL MAINTENANCE.

Section 2474(f)(1) of title 10, United States Code, is amended by striking "fiscal years 2003 through 2009" and inserting "fiscal years 2003 through 2014".

SEC. 322. MINIMUM CAPITAL INVESTMENT FOR AIR FORCE DEPOTS.

(a) **INVESTMENT REQUIRED.**—Chapter 803 of title 10, United States Code, is amended by adding at the end the following new section:

"§8025. Minimum capital investment in Air Force depots

"(a) **MINIMUM INVESTMENT REQUIREMENT.**—Each fiscal year, the Secretary of the Air Force shall invest in the capital budgets of the depots of the Air Force a total amount equal to not less than six percent of the total combined revenue of all the depots of the Air Force for the preceding fiscal year.

"(b) **WAIVER.**—The Secretary of the Air Force may waive the requirement under subsection (a) if the Secretary determines that the waiver is necessary for reasons of national security and notifies the congressional defense committees."

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by adding at the end the following new item: "8025. Minimum capital investment for Air Force depots."

(c) **EFFECTIVE DATE.**—Section 8025 of title 10, United States Code, shall apply with respect to fiscal years beginning after the date of the enactment of this Act.

SEC. 323. EXTENSION OF TEMPORARY AUTHORITY FOR CONTRACTOR PERFORMANCE OF SECURITY GUARD FUNCTIONS.

(a) **ONE-YEAR EXTENSION.**—Section 332(c) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107-314) is amended by striking "September 30, 2007" both places it appears and inserting "September 30, 2008".

(b) **REPORT ON CONTRACTOR PERFORMANCE OF SECURITY-GUARD FUNCTIONS.**—Not later than February 1, 2007, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives, a report on contractor performance of security guard functions under section 332 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107-314). The report shall include the following:

(1) An explanation of progress made toward implementing each of the seven recommendations in the Comptroller General report entitled "Contract Security Guards: Army's Guard Program Requires Greater Oversight and Reassessment of Acquisition Approach" (GAO-06-284).

(2) An assessment, taking into considerations the observations made by the GAO on the report of the Department of Defense of November 2005 that is entitled "Department of Defense Installation Security Guard Requirement Assessment and Plan", of the following:

(A) The cost-effectiveness of using contractors rather than Department of Defense employees to perform security-guard functions.

(B) The performance of contractors employed as security guards compared with the performance of military personnel who have served as security guards.

(C) Specific results of on-site visits made by officials designated by the Secretary of Defense to military installations using contractors to perform security-guard functions.

(c) **CONTRACT LIMITATION.**—No contract may be entered into under section 332 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107-314) after September 30, 2007, until the report required under subsection (b) is submitted.

Subtitle D—Reports

SEC. 331. REPORT ON NUCLEAR ATTACK SUBMARINE DEPOT MAINTENANCE.

(a) **REPORT REQUIRED.**—Not later than February 1, 2007, the Secretary of the Navy shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report describing the criteria used when a nuclear attack submarine is sent to a facility other than a facility located within 200 miles of the homeport of the submarine for maintenance described in subsection (d) when there is a public or private facility located within 200 miles of the homeport at which the maintenance required could be conducted.

(b) **CONTENTS OF REPORT.**—The report required under subsection (a) shall include the following:

(1) An assessment of the cost of housing for the crew of the submarine.

(2) The costs associated with traveling to the homeport of the submarine for official duty.

(3) The treatment of crew time while the submarine is undergoing nondeployed maintenance work away from the homeport.

(4) An assessment of the effect that maintenance conducted away from the homeport of a submarine has on the families of the members stationed on that submarine.

(5) An analysis of the retention of officers and enlisted members stationed on the submarine.

(6) An analysis of the use of fixed maintenance crews or semi-permanent engineering crews for maintenance availabilities that exceed 13 months.

(c) **RESTRICTION ON MAINTENANCE AWAY FROM HOMEPORT.**—

(1) **RESTRICTION.**—During fiscal year 2007, the Secretary of the Navy may not conduct maintenance described in subsection (d) on a nuclear attack submarine at a facility other than a facility located within 200 miles of the homeport of that submarine if there is a public or private facility located within 200 miles of the homeport at which the maintenance required could be conducted without adversely affecting operational deployment schedules.

(2) **NOTIFICATION REQUIRED.**—Not later than five days before maintenance restricted under paragraph (1) is conducted due to operation deployment schedules, the Secretary of the Navy shall provide to the congressional defense committees written notice of the maintenance that is to be conducted and the justification for conducting that maintenance.

(d) **COVERED MAINTENANCE.**—Maintenance described in this subsection is any of the following:

(1) Maintenance referred to as selected restricted availability maintenance.

(2) Maintenance referred to as preinactivation restricted availability maintenance.

(3) Maintenance referred to as extended selected restricted availability maintenance.

(4) Maintenance referred to as interim dry dock availabilities.

SEC. 332. REPORT ON NAVY FLEET RESPONSE PLAN.

(a) **REPORT REQUIRED.**—Not later than December 1, 2006, the Secretary of the Navy shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the program of the Navy referred to as the Fleet Response Plan. The report shall include the following:

(1) A directive that provides guidance for the conduct of the Plan and standardizes terms and definitions.

(2) Performance measures for evaluation of the Plan.

(3) Costs and resources needed to achieve objectives of the Plan.

(4) Operational tests, exercises, war games, experiments, and deployments used to test performance.

(5) A collection and synthesis of lessons learned from the implementation of the Plan as of the date on which the report is submitted.

(6) Evaluation of each of the following with respect to each ship participating in the Plan:

(A) Combat Readiness.

(B) Ship material condition.

(C) Number of maintenance deficiencies.

(D) Amount of maintenance accomplished while underway.

(E) Amount of maintenance accomplished at pier dockings.

(F) Number of voyage repairs during each deployment.

(G) Combat skills training requirements accomplished during a deployment and at the home station.

(H) Professional development training requirements accomplished during a deployment and at home station.

(I) Crew retention statistics.

(7) Any proposed changes to the Surface Force Training Manual.

(8) The amount of funding required to effectively implement the operations and maintenance requirements of the Plan and the effect of providing funding in an amount less than that amount.

(9) Any recommendations of the Secretary of the Navy with respect to expanding the Plan to include Expeditionary Strike Groups.

(b) **COMPTROLLER GENERAL REPORT.**—Not later than March 15, 2007, the Comptroller General shall submit to the congressional defense committees a report containing a review of the Navy report required under subsection (a). The report shall include the following:

(1) An examination of the management approaches of the Navy in implementing the Fleet Response Plan.

(2) An assessment of the adequacy of Navy directives and guidance with respect to maintenance and training requirements and procedures.

(3) An analysis and assessment of the adequacy of the Navy's test, exercises, and evaluation criteria.

(4) An evaluation of Navy data on aircraft carriers, destroyers, and cruisers that participated in the Fleet Response Plan with respect to readiness, response time, and availability for routine or unforeseen deployments.

(5) An assessment of the Navy's progress in identifying the amount of funding required to effectively implement the operations and maintenance requirements of the Fleet Response Plan and the effect of providing funding in an amount less than that amount.

(6) Any recommendations of the Comptroller General with respect to expanding the Fleet Response Plan to include Expeditionary Strike Groups.

(c) **POSTPONEMENT OF EXPANSION.**—The Secretary of the Navy may not expand the implementation of the Fleet Response Plan beyond the Carrier Strike Groups until October 1, 2007.

SEC. 333. REPORT ON NAVY SURFACE SHIP ROTATIONAL CREW PROGRAMS.

(a) **REPORT REQUIRED.**—Not later than April 1, 2007, the Secretary of the Navy shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the ship rotational crew experiment referred to in subsection (c)(1). The report shall include the following:

(1) A comparison between the three destroyers participating in that experiment and destroyers not participating in the experiment that takes into consideration each of the following:

(A) Cost-effectiveness, including a comparison of travel and per diem expenses, maintenance costs, and other costs.

(B) Maintenance procedures, impacts, and deficiencies, including the number and characterization of maintenance deficiencies, the extent of voyage repairs, post-deployment assessments of the material condition of the ships, and the extent to which work levels were maintained.

(C) Mission training requirements.

(D) Professional development requirements and opportunities.

(E) Liberty port of call opportunities.

(F) Movement and transportation of crew.

(G) Inventory and property accountability.

(H) Policies and procedures for assigning billets for rotating crews.

(I) Crew retention statistics.

(J) Readiness and mission capability data.

(2) Results from surveys administered or focus groups held to obtain representative views from commanding officers, officers, and enlisted members on the effects of rotational crew experiments on quality of life, training, professional development, maintenance, mission effectiveness, and other issues.

(3) The extent to which standard policies and procedures were developed and used for participating ships.

(4) Lessons learned from the destroyer experiment.

(5) An assessment from the combatant commanders on the crew mission performance when deployed.

(6) An assessment from the commander of the Fleet Forces Command on the material condi-

tion, maintenance, and crew training of each participating ship.

(7) Any recommendations of the Secretary of the Navy with respect to the extension of the ship rotational crew experiment or the implementation of the experiment for other surface vessels.

(b) **POSTPONEMENT OF IMPLEMENTATION.**—The Secretary of the Navy may not begin implementation of any new surface ship rotational crew experiment or program during the period beginning on the date of the enactment of this Act and ending on October 1, 2009.

(c) **TREATMENT OF EXISTING EXPERIMENTS.**—

(1) **DESTROYER EXPERIMENT.**—Not later than January 1, 2007, the Secretary of the Navy shall terminate the existing ship rotational crew experiment involving the U.S.S. Gonzalez (DDG-66), the U.S.S. Stout (DDG-55), and the U.S.S. Laboon (DDG-58) that is known as the "sea swap".

(2) **PATROL COASTAL CLASS SHIP EXPERIMENT.**—The Secretary of the Navy may continue the existing ship rotational crew program that is currently in use by overseas-based Patrol Coastal class ships.

(d) **COMPTROLLER GENERAL REPORT.**—Not later than July 15, 2007, the Comptroller General shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the ship rotational crew experiment referred to in subsection (c)(1). The report shall include the following:

(1) A review of the report submitted by the Secretary of the Navy under subsection (a) and an assessment of the extent to which the Secretary fully addressed costs, quality of life, training, maintenance, and mission effectiveness, and other relevant issues in that report.

(2) An assessment of the extent to which the Secretary established and applied a comprehensive framework for assessing the use of ship rotational crew experiments, including formal objectives, metrics, and methodology for assessing the cost-effectiveness of such experiments.

(3) An assessment of the extent to which the Secretary established effective guidance for the use of ship rotational crew experiments.

(4) Lessons learned from recent ship rotational crew experiments and an assessment of the extent to which the Navy systematically collects and shares lessons learned.

(e) **CONGRESSIONAL BUDGET OFFICE REPORT.**—Not later than July 15, 2007, the Director of the Congressional Budget Office shall submit a report to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives on the long-term implications of the use of crew rotation on Navy ships on the degree of forward presence provided by Navy ships. The report shall include the following:

(1) An analysis of different approaches to crew rotation and the degree of forward presence each approach would provide.

(2) A comparison of the degree of forward presence provided by the fleet under the long-term shipbuilding plan of the Navy with and without the widespread use of crew rotation.

(3) The long-term benefits and costs of using crew rotation on Navy ships.

SEC. 334. REPORT ON ARMY LIVE-FIRE RANGES IN HAWAII.

Not later than March 1, 2007, the Secretary of the Army shall submit to Congress a report on the adequacy of the live-fire ranges of the Army in the State of Hawaii with respect to current and future training requirements. The report shall include the following:

(1) An evaluation of the capacity of the existing live-fire ranges to meet the training requirements of the Army, including the training requirements of Stryker Brigade Combat Teams.

(2) A description of any existing plan to modify or expand any range in Hawaii for the purpose of meeting anticipated live-fire training requirements.

(3) A description of the current live-fire restrictions at the Makua Valley range and the effect of these restrictions on unit readiness.

(4) Cost and schedule estimates for the construction of new ranges or the modification of existing ranges that are necessary to support future training requirements if existing restrictions on training at the Makua Valley range remain in place.

SEC. 335. COMPTROLLER GENERAL REPORT ON JOINT STANDARDS AND PROTOCOLS FOR ACCESS CONTROL SYSTEMS AT DEPARTMENT OF DEFENSE INSTALLATIONS.

(a) **REPORT REQUIRED.**—Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report containing the assessment of the Comptroller General of—

(1) the extent to which consistency exists in standards, protocols, and procedures for access control across installations of the Department of Defense; and

(2) whether the establishment of joint standards and protocols for access control at such installations would be likely to—

(A) address any need of the Department identified by the Comptroller General; or

(B) improve access control across the installations by providing greater consistency and improved force protection.

(b) **ISSUES TO BE ASSESSED.**—In conducting the assessment required by subsection (a), the Comptroller General shall assess the extent to which each installation of the Department of Defense has or would benefit from having an access control system with the ability to—

(1) electronically check any identification card issued by any Federal agency or any State or local government within the United States, including any identification card of a visitor to the installation who is a citizen or legal resident of the United States;

(2) verify that an identification card used to obtain access to the installation was legitimately issued and has not been reported lost or stolen;

(3) check on a real-time basis all relevant watch lists maintained by the Government, including terrorist watch lists and lists of persons wanted by State, local, or Federal law enforcement authorities;

(4) maintain a log of individuals seeking access to the installation and of individuals who are denied access to the installation; and

(5) exchange information with any installation with a system that complies with the joint standards and protocols.

SEC. 336. REPORT ON PERSONNEL SECURITY INVESTIGATIONS FOR INDUSTRY AND NATIONAL INDUSTRIAL SECURITY PROGRAM.

(a) **REPORTS REQUIRED.**—Not later than 90 days after the date of the enactment of this Act and every six months thereafter, the Secretary of Defense shall submit to the congressional defense committees, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Government Reform of the House of Representatives, a report on the future requirements of the Department of Defense with respect to the Personnel Security Investigations for Industry and the National Industrial Security Program of the Defense Security Service.

(b) **CONTENTS OF REPORTS.**—

(1) **INITIAL REPORT.**—The initial report required under subsection (a) shall include each of the following:

(A) The number of personnel security clearance investigations conducted during the period beginning on October 1, 1999, and ending on September 30, 2006.

(B) The number of each type of security clearance granted during that period.

(C) The unit cost to the Department of Defense of each security clearance granted during that period.

(D) The amount of any fee or surcharge paid to the Office of Personnel Management as a result of conducting a personnel security clearance investigation.

(E) A description of the procedures used by the Secretary of Defense to estimate the number of personnel security clearance investigations to be conducted during a fiscal year.

(F) A description of any effect of delays and backlogs in the personnel security clearance investigation process on the national security of the United States.

(G) A description of any effect of delays and backlogs in the personnel security clearance investigation process on the defense industrial base assets of the United States.

(H) A plan developed by the Secretary of Defense to reduce such delays and backlogs.

(I) A plan developed by the Secretary of Defense to adequately fund the personnel security clearance investigation process.

(J) A plan developed by the Secretary of Defense to establish a more stable and effective Personnel Security Investigations Program.

(K) A plan developed by the Secretary of Defense to involve external sources, including defense contractors, in the plans of the Secretary of Defense under subparagraphs (H), (I), and (J).

(2) **SUBSEQUENT REPORTS.**—Each report required to be submitted under subsection (a) after the submission of the initial report shall include each of the following:

(A) The funding requirements of the personnel security clearance investigation program and ability of the Secretary of Defense to fund the program.

(B) The size of the personnel security clearance investigation process backlog.

(C) The length of the average delay for an individual case pending in the personnel security clearance investigation process.

(D) Any progress made by the Secretary of Defense during the six months preceding the date on which the report is submitted toward implementing planned changes in the personnel security clearance investigation process.

(E) A determination certified by the Secretary of Defense of whether the personnel security clearance investigation process has improved during the six months preceding the date on which the report is submitted.

(c) **COMPTROLLER GENERAL REPORT.**—As soon as practicable after the Secretary of Defense submits the initial report required under subsection (a), the Comptroller General shall submit a report to Congress that contains a review of such initial report.

(d) **SENSE OF CONGRESS ON IMPROVING THE PERSONNEL SECURITY INVESTIGATIONS PROGRAM.**—

(1) **FINDINGS.**—Congress finds the following:

(A) Since fiscal year 2000, the General Accountability Office has listed the Personnel Security Investigations Program of the Department of Defense as a systemic weakness that affects more than one component of the Department and may jeopardize the operations of the Department.

(B) In 2005, the Government Accountability Office designated the Personnel Security Investigations Program as a high-risk area because delays by the Program in issuing security clearances can affect national security.

(C) In 2005, the Government Accountability Office found that the Department of Defense continues to face sizeable security clearance backlogs.

(D) The Government Accountability Office also reported in 2005 that security clearance delays increase national security risks, delay the start of classified work, hamper employers from hiring the best qualified workers, and increase the cost to the Government of national security-related contracts.

(E) These security clearance backlogs and delays continue in 2006, and have brought the security clearance program to a reported standstill.

(2) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(A) the delays and backlogs associated with the Personnel Security Investigations Program threaten the national security of the United States and key defense industrial assets; and

(B) the Secretary of Defense should take such steps as are necessary to eliminate the backlogs of applications for security clearance and the delays associated with the security clearance application process and make systemic improvements to the Personnel Security Investigations Program.

Subtitle E—Other Matters

SEC. 341. DEPARTMENT OF DEFENSE STRATEGIC POLICY ON PREPOSITIONING OF MATERIEL AND EQUIPMENT.

(a) **STRATEGIC POLICY REQUIRED.**—Chapter 131 of title 10, United States Code, is amended by adding at the end the following new section:

“§2229. Strategic policy on prepositioning of materiel and equipment

“(a) **POLICY REQUIRED.**—The Secretary of Defense shall maintain a strategic policy on the programs of the Department of Defense for the prepositioning of materiel and equipment. Such policy shall take into account national security threats, strategic mobility, and service requirements.

“(b) **LIMITATION OF DIVERSION OF PREPOSITIONED MATERIEL.**—The Secretary of a military department may not divert materiel or equipment from prepositioned stocks except—

“(1) in accordance with a change made by the Secretary of Defense to the policy maintained under subsection (a); or

“(2) for the purpose of supporting a contingency operation.

“(c) **CONGRESSIONAL NOTIFICATION.**—The Secretary of Defense may not implement or change the policy required under subsection (a) until the Secretary submits to the congressional defense committees a report describing the policy or change to the policy.”.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by adding at the end the following new item: “2229. Strategic policy on prepositioning of materiel and equipment.”.

(c) **DEADLINE FOR ESTABLISHMENT OF POLICY.**—

(1) **DEADLINE.**—Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall establish the strategic policy on the programs of the Department of Defense for the prepositioning of materiel and equipment required under section 2229 of title 10, United States Code, as added by subsection (a).

(2) **LIMITATION ON DIVERSION OF PREPOSITIONED MATERIEL.**—During the period beginning on the date of the enactment of this Act and ending on the date on which the Secretary of Defense submits the report required under section 2229(c) of title 10, United States Code, on the policy established under paragraph (1), the Secretary of a military department may not divert materiel or equipment from prepositioned stocks except for the purpose of supporting a contingency operation.

SEC. 342. AUTHORITY TO MAKE DEPARTMENT OF DEFENSE HORSES AVAILABLE FOR ADOPTION AT END OF USEFUL WORKING LIFE.

(a) **INCLUSION OF DEPARTMENT OF DEFENSE HORSES IN EXISTING AUTHORITY.**—Section 2583 of title 10, United States Code, is amended—

(1) in the section heading, by striking “working dogs” and inserting “animals”;

(2) by striking “working” each place it appears;

(3) by striking “dog” and “dogs” each place they appear and inserting “animal” and “animals”, respectively;

(4) by striking “dog’s” in paragraphs (1) and (2) of subsection (a) and inserting “animal’s”;

(5) by striking “a dog’s adoptability” in subsection (b) and inserting “the adoptability of the animal”;

(6) by adding at the end the following new subsection:

“(g) **MILITARY ANIMAL DEFINED.**—In this section, the term ‘military animal’ means the following:

“(1) A military working dog.

“(2) A horse owned by the Department of Defense.”.

(b) **CLERICAL AMENDMENT.**—The item relating to such section in the table of sections at the beginning of chapter 153 of such title is amended to read as follows:

“2583. Military animals: transfer and adoption at end of useful working life.”.

SEC. 343. SALE AND USE OF PROCEEDS OF RECYCLABLE MUNITIONS MATERIALS.

(a) **ESTABLISHMENT OF PROGRAM.**—Chapter 443 of title 10, United States Code, is amended by adding at the end the following new section:

“§4690. Recyclable munitions materials: sale; use of proceeds

“(a) **AUTHORITY FOR PROGRAM.**—Notwithstanding section 2577 of this title, the Secretary of the Army may carry out a program to sell recyclable munitions materials resulting from the demilitarization of conventional military munitions without regard to chapter 5 of title 40 and use any proceeds in accordance with subsection (c).

“(b) **METHOD OF SALE.**—The Secretary shall use competitive procedures to sell recyclable munitions materials under this section in accordance with Federal procurement laws and regulations.

“(c) **PROCEEDS.**—(1) Proceeds from the sale of recyclable munitions materials under this section shall be credited to an account that is specified as being for Army ammunition demilitarization from funds made available for the procurement of ammunition, to be available only for reclamation, recycling, and reuse of conventional military munitions (including research and development and equipment purchased for such purpose).

“(2) Amounts credited under this subsection shall be available for obligation for the fiscal year during which the funds are so credited and for three subsequent fiscal years.

“(d) **REGULATIONS.**—The Secretary shall prescribe regulations to carry out the program established under this section. Such regulations shall be consistent and in compliance with the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) and the regulations implementing that Act.”.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“4690. Recyclable munitions materials: sale; use of proceeds.”.

SEC. 344. CAPITAL SECURITY COST SHARING.

(a) **RECONCILIATION REQUIRED.**—For each fiscal year, the Secretary of Defense shall reconcile (1) the estimate of overseas presence of the Secretary of Defense under subsection (b) for that fiscal year, with (2) the determination of the Secretary of State under section 604(e)(1) of the Secure Embassy Construction and Counterterrorism Act of 1999 (22 U.S.C. 4865 note) of the total overseas presence of the Department of Defense for that fiscal year.

(b) **ANNUAL ESTIMATE OF OVERSEAS PRESENCE.**—Not later than February 1 of each year, the Secretary of Defense shall submit to the congressional defense committees an estimate of the total number of Department of Defense overseas personnel subject to chief of mission authority pursuant to section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927) during the fiscal year that begins on October 1 of that year.

SEC. 345. PRIORITIZATION OF FUNDS WITHIN NAVY MISSION OPERATIONS, SHIP MAINTENANCE, COMBAT SUPPORT FORCES, AND WEAPONS SYSTEM SUPPORT.

(a) **IN GENERAL.**—The Secretary of the Navy shall take such steps as necessary through the planning, programming, budgeting, and execution systems of the Department of the Navy to

ensure that financial resources are provided for each fiscal year as necessary to enable the Navy to fund the following requirements of the Navy for that fiscal year:

(1) 100 percent of the requirements for steaming days per quarter for deployed ship operations.

(2) 100 percent of the requirements for steaming days per quarter for non-deployed ship operations.

(3) 100 percent of the projected ship and air depot maintenance.

(b) **LIMITATION OF FUNDS FOR NAVY EXPEDITIONARY COMBAT COMMAND.**—Of the funds appropriated for the Department of Navy for any fiscal year after fiscal year 2006, no operation and maintenance funds may be expended for the Navy Expeditionary Combat Command until the funding priorities in subsection (a) are met for that fiscal year.

(c) **ANNUAL REPORT.**—The Secretary of Navy shall submit to the congressional defense committees an annual report, to be submitted each year with the annual operation and maintenance justification of estimates material for the next fiscal year, that certifies that the requirements in subsection (a) are satisfied for the fiscal year for which that material is submitted.

SEC. 346. PRIORITIZATION OF FUNDS WITHIN ARMY RECONSTITUTION AND TRANSFORMATION.

(a) **IN GENERAL.**—The Secretary of the Army shall take such steps as necessary through the planning, programming, budgeting, and execution systems of the Department of the Army to ensure that financial resources are provided for each fiscal year as necessary to enable the Army to meet its requirements in that fiscal year for each of the following:

(1) The repair, recapitalization, and replacement of equipment used in the Global War on Terrorism, based on implementation of requirements based on a cost estimate for such purposes of at least \$72,300,000,000 over the period of the five fiscal years beginning with fiscal year 2008.

(2) The fulfillment of equipment requirements of units transforming to modularity in accordance with the Modular Force Initiative report submitted to Congress in March 2006, based on implementation of requirements based on a cost estimate for such purposes of \$47,600,000,000 over the period of the five fiscal years beginning with fiscal year 2008.

(3) The reconstitution of equipment and material in prepositioned stocks by 2012 in accordance with requirements under the Army Prepositioned Stocks Strategy 2012 or a subsequent strategy implemented under the guidelines in section 2229 of title 10, United States Code.

(b) **ANNUAL REPORT.**—The Secretary of the Army shall submit to the congressional defense committees an annual report, until the requirements of subsection (a) have been met, setting forth the progress toward meeting those requirements. Any information required to be included in the report concerning funding priorities under paragraph (1) or (2) of subsection (a) shall be itemized by active duty component and reserve component. The report for any year shall be submitted at the time the budget of the President for the next fiscal year is submitted to Congress. Each such report shall include the following:

(1) A complete itemization of the requirements for the funding priorities in subsection (a), including an itemization for all types of modular brigades for both active and reserve components.

(2) A list of any shortfalls that exist between available funding, equipment, supplies, and industrial capacity and required funding, equipment, supplies, and industrial capacity in accordance with the funding priorities in subsection (a).

(3) A list of the requirements for the funding priorities in subsection (a) that the Army has included in the budget for that fiscal year, including a detailed listing of the type, quantity, and cost of the equipment the Army plans to repair,

recapitalize, or procure, set forth by appropriations account and Army component.

(4) An assessment of the progress made during that fiscal year toward meeting the overall requirements of the funding priorities in subsection (a).

(5) A description of how the Army defines costs associated with modularity versus the costs associated with modernizing equipment platforms and repairing, recapitalizing, and replacing equipment used during the global war on terrorism.

(6) The results of Army assessments of modular force capabilities, including lessons learned from existing modular units and any modifications that have been made to modularity.

(7) The assessment of each of the Chief of the National Guard Bureau and the Chief of the Army Reserve of each of the items described in paragraphs (1) through (6).

(c) **LIMITATION ON FUNDS FOR FUTURE COMBAT SYSTEMS.**—Of the funds appropriated for the Army for any fiscal year after fiscal year 2007, not more than \$2,850,000,000 may be expended for the Future Combat Systems until the funding priorities in subsection (a) are met for that fiscal year.

(d) **USE OF EXCESS FUNDS FOR FUTURE COMBAT SYSTEMS.**—Any funds appropriated for the Future Combat Systems for any fiscal year not expended in accordance with subsection (c) shall be used for programs specified in subsection (a).

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

Sec. 401. End strengths for active forces.

Sec. 402. Revision in permanent active duty end strength minimum levels.

Sec. 403. Additional authority for increases of Army and Marine Corps active duty end strengths for fiscal years 2008 and 2009.

Subtitle B—Reserve Forces

Sec. 411. End strengths for Selected Reserve.

Sec. 412. End strengths for Reserves on active duty in support of the reserve components.

Sec. 413. End strengths for military technicians (dual status).

Sec. 414. Fiscal year 2007 limitation on number of non-dual status technicians.

Sec. 415. Maximum number of reserve personnel authorized to be on active duty for operational support.

Subtitle C—Authorization of Appropriations

Sec. 421. Military personnel.

Sec. 422. Armed Forces Retirement Home.

Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

(a) **IN GENERAL.**—The Armed Forces are authorized strengths for active duty personnel as of September 30, 2007, as follows:

- (1) The Army, 512,400.
- (2) The Navy, 340,700.
- (3) The Marine Corps, 180,000.
- (4) The Air Force, 334,200.

(b) **LIMITATION.**—

(1) **ARMY.**—The authorized strength for the Army provided in paragraph (1) of subsection (a) for active duty personnel for fiscal year 2007 is subject to the condition that costs of active duty personnel of the Army for that fiscal year in excess of 482,400 shall be paid out of funds authorized to be appropriated for that fiscal year for a contingent emergency reserve fund or as an emergency supplemental appropriation.

(2) **MARINE CORPS.**—The authorized strength for the Marine Corps provided in paragraph (3) of subsection (a) for active duty personnel for fiscal year 2007 is subject to the condition that costs of active duty personnel of the Marine Corps for that fiscal year in excess of 175,000 shall be paid out of funds authorized to be appropriated for that fiscal year for a contingent

emergency reserve fund or as an emergency supplemental appropriation.

SEC. 402. REVISION IN PERMANENT ACTIVE DUTY END STRENGTH MINIMUM LEVELS.

Section 691(b) of title 10, United States Code, is amended by striking paragraphs (1) through (4) and inserting the following:

- “(1) For the Army, 504,400.
- “(2) For the Navy, 340,700.
- “(3) For the Marine Corps, 180,000.
- “(4) For the Air Force, 334,200.”.

SEC. 403. ADDITIONAL AUTHORITY FOR INCREASES OF ARMY AND MARINE CORPS ACTIVE DUTY END STRENGTHS FOR FISCAL YEARS 2008 AND 2009.

Effective October 1, 2007, the text of section 403 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 1863) is amended to read as follows:

“(a) **AUTHORITY.**—

“(1) **ARMY.**—For each of fiscal years 2008 and 2009, the Secretary of Defense may, as the Secretary determines necessary for the purposes specified in paragraph (3), establish the active-duty end strength for the Army at a number greater than the number otherwise authorized by law up to the number equal to the fiscal-year 2007 baseline plus 20,000.

“(2) **MARINE CORPS.**—For each of fiscal years 2008 and 2009, the Secretary of Defense may, as the Secretary determines necessary for the purposes specified in paragraph (3), establish the active-duty end strength for the Marine Corps at a number greater than the number otherwise authorized by law up to the number equal to the fiscal-year 2007 baseline plus 4,000.

“(3) **PURPOSE OF INCREASES.**—The purposes for which increases may be made in Army and Marine Corps active duty end strengths under paragraphs (1) and (2) are—

“(A) to support operational missions; and

“(B) to achieve transformational reorganization objectives, including objectives for increased numbers of combat brigades and battalions, increased unit manning, force stabilization and shaping, and rebalancing of the active and reserve component forces.

“(4) **FISCAL-YEAR 2007 BASELINE.**—In this subsection, the term ‘fiscal-year 2007 baseline’, with respect to the Army and Marine Corps, means the active-duty end strength authorized for those services in section 401 of the National Defense Authorization Act for Fiscal Year 2007.

“(5) **ACTIVE-DUTY END STRENGTH.**—In this subsection, the term ‘active-duty end strength’ means the strength for active-duty personnel of one of the Armed Forces as of the last day of a fiscal year.

“(b) **RELATIONSHIP TO PRESIDENTIAL WAIVER AUTHORITY.**—Nothing in this section shall be construed to limit the President’s authority under section 123a of title 10, United States Code, to waive any statutory end strength in a time of war or national emergency.

“(c) **RELATIONSHIP TO OTHER VARIANCE AUTHORITY.**—The authority under subsection (a) is in addition to the authority to vary authorized end strengths that is provided in subsections (e) and (f) of section 115 of title 10, United States Code.

“(d) **BUDGET TREATMENT.**—

“(1) **FISCAL YEAR 2008 BUDGET.**—The budget for the Department of Defense for fiscal year 2008 as submitted to Congress shall comply, with respect to funding, with subsections (c) and (d) of section 691 of title 10, United States Code.

“(2) **OTHER INCREASES.**—If the Secretary of Defense plans to increase the Army or Marine Corps active duty end strength for a fiscal year under subsection (a), then the budget for the Department of Defense for that fiscal year as submitted to Congress shall include the amounts necessary for funding that active duty end strength in excess of the fiscal year 2007 active duty end strength authorized for that service under section 401 of the National Defense Authorization Act for Fiscal Year 2007.”.

Subtitle B—Reserve Forces**SEC. 411. END STRENGTHS FOR SELECTED RESERVE.**

(a) IN GENERAL.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 2007, as follows:

- (1) The Army National Guard of the United States, 350,000.
- (2) The Army Reserve, 200,000.
- (3) The Navy Reserve, 71,300.
- (4) The Marine Corps Reserve, 39,600.
- (5) The Air National Guard of the United States, 107,000.
- (6) The Air Force Reserve, 74,900.
- (7) The Coast Guard Reserve, 10,000.

(b) ADJUSTMENTS.—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year; and

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

Whenever such units or such individual members are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be increased proportionately by the total authorized strengths of such units and by the total number of such individual members.

SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVE COMPONENTS.

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 2007, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

- (1) The Army National Guard of the United States, 28,165.
- (2) The Army Reserve, 15,416.
- (3) The Navy Reserve, 12,564.
- (4) The Marine Corps Reserve, 2,261.
- (5) The Air National Guard of the United States, 13,291.
- (6) The Air Force Reserve, 2,707.

SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS (DUAL STATUS).

The minimum number of military technicians (dual status) as of the last day of fiscal year 2007 for the reserve components of the Army and the Air Force (notwithstanding section 129 of title 10, United States Code) shall be the following:

- (1) For the Army Reserve, 7,912.
- (2) For the Army National Guard of the United States, 27,615.
- (3) For the Air Force Reserve, 10,124.
- (4) For the Air National Guard of the United States, 23,255.

SEC. 414. FISCAL YEAR 2007 LIMITATION ON NUMBER OF NON-DUAL STATUS TECHNICIANS.

(a) LIMITATIONS.—

(1) NATIONAL GUARD.—Within the limitation provided in section 10217(c)(2) of title 10, United States Code, the number of non-dual status technicians employed by the National Guard as of September 30, 2007, may not exceed the following:

- (A) For the Army National Guard of the United States, 1,600
- (B) For the Air National Guard of the United States, 350.

(2) ARMY RESERVE.—The number of non-dual status technicians employed by the Army Re-

serve as of September 30, 2007, may not exceed 595.

(3) AIR FORCE RESERVE.—The number of non-dual status technicians employed by the Air Force Reserve as of September 30, 2007, may not exceed 90.

(b) NON-DUAL STATUS TECHNICIANS DEFINED.—In this section, the term “non-dual status technician” has the meaning given that term in section 10217(a) of title 10, United States Code.

SEC. 415. MAXIMUM NUMBER OF RESERVE PERSONNEL AUTHORIZED TO BE ON ACTIVE DUTY FOR OPERATIONAL SUPPORT.

During fiscal year 2007, the maximum number of members of the reserve components of the Armed Forces who may be serving at any time on full-time operational support duty under section 115(b) of title 10, United States Code, is the following:

- (1) The Army National Guard of the United States, 17,000.
- (2) The Army Reserve, 13,000.
- (3) The Navy Reserve, 6,200.
- (4) The Marine Corps Reserve, 3,000.
- (5) The Air National Guard of the United States, 16,000.
- (6) The Air Force Reserve, 14,000.

Subtitle C—Authorization of Appropriations**SEC. 421. MILITARY PERSONNEL.**

There is hereby authorized to be appropriated to the Department of Defense for military personnel for fiscal year 2007 a total of \$109,820,468,000. The authorization in the preceding sentence supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 2007.

SEC. 422. ARMED FORCES RETIREMENT HOME.

There is hereby authorized to be appropriated for fiscal year 2007 from the Armed Forces Retirement Home Trust Fund the sum of \$54,846,000 for the operation of the Armed Forces Retirement Home.

TITLE V—MILITARY PERSONNEL POLICY**Subtitle A—Officer Personnel Policy**

- Sec. 501. Authorized strength of Navy Reserve flag officers.
- Sec. 502. Standardization of grade of senior dental officer of the Air Force with that of senior dental officer of the Army.
- Sec. 503. Management of chief warrant officers.
- Sec. 504. Reduction in time-in-grade requirement for promotion to captain in the Army, Air Force, and Marine Corps and lieutenant in the Navy.
- Sec. 505. Military status of officers serving in certain Intelligence Community positions.

Subtitle B—Reserve Component Management

- Sec. 511. Revisions to reserve call-up authority.
- Sec. 512. Military retirement credit for certain service by National Guard members performed while in a State duty status immediately after the terrorist attacks of September 11, 2001.
- Sec. 513. Report on private-sector promotion and constructive termination of members of the reserve components called or ordered to active service.

Subtitle C—Education and Training

- Sec. 521. Authority to permit members who participate in the guaranteed reserve forces duty scholarship program to participate in the health professions scholarship program and serve on active duty.
- Sec. 522. Junior Reserve Officers' Training Corps instruction eligibility expansion.

Sec. 523. Authority for United States Military Academy and United States Air Force Academy permanent military professors to assume command positions while on periods of sabbatical.

Sec. 524. Expansion of service academy exchange programs with foreign military academies.

Sec. 525. Review of legal status of Junior ROTC program.

Subtitle D—General Service Authorities

- Sec. 531. Test of utility of test preparation guides and education programs in enhancing recruit candidate performance on the Armed Services Vocational Aptitude Battery (ASVAB) and Armed Forces Qualification Test (AFQT).
- Sec. 532. Nondisclosure of selection board proceedings.
- Sec. 533. Report on extent of provision of timely notice of long-term deployments.

Subtitle E—Authorities Relating to Guard and Reserve Duty

- Sec. 541. Title 10 definition of Active Guard and Reserve duty.
- Sec. 542. Authority for Active Guard and Reserve duties to include support of operational missions assigned to the reserve components and instruction and training of active-duty personnel.
- Sec. 543. Governor's authority to order members to Active Guard and Reserve duty.
- Sec. 544. National Guard officers authority to command.
- Sec. 545. Expansion of operations of civil support teams.

Subtitle F—Decorations and Awards

- Sec. 551. Authority for presentation of Medal of Honor Flag to living Medal of Honor recipients and to living primary next-of-kin of deceased Medal of Honor recipients.
- Sec. 552. Cold War Victory Medal.
- Sec. 553. Posthumous award of Purple Heart for prisoners of war who die in or due to captivity.
- Sec. 554. Advancement on the retired list of certain decorated retired Navy and Marine Corps officers.
- Sec. 555. Report on Department of Defense process for awarding decorations.

Subtitle G—Matters Relating to Casualties

- Sec. 561. Criteria for removal of member from temporary disability retired list.
- Sec. 562. Department of Defense computer/electronic accommodations program for severely wounded members.
- Sec. 563. Transportation of remains of casualties dying in a theater of combat operations.
- Sec. 564. Annual budget display of funds for POW/MIA activities of Department of Defense.

Subtitle H—Assistance to Local Educational Agencies for Defense Dependents Education

- Sec. 571. Continuation of authority to assist local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.
- Sec. 572. Enrollment in defense dependents' education system of dependents of foreign military members assigned to Supreme Headquarters Allied Powers, Europe.

Subtitle I—Postal Benefits

- Sec. 575. Postal benefits program for members of the Armed Forces.
- Sec. 576. Funding.
- Sec. 577. Duration.

Subtitle J—Other Matters

- Sec. 581. Reduction in Department of Defense accrual contributions to Department of Defense Military Retirement Fund.
- Sec. 582. Dental Corps of the Bureau of Medicine and Surgery.
- Sec. 583. Permanent authority for presentation of recognition items for recruitment and retention purposes.
- Sec. 584. Report on feasibility of establishment of Military Entrance Processing Command station on Guam.
- Sec. 585. Persons authorized to administer enlistment and appointment oaths.
- Sec. 586. Repeal of requirement for periodic Department of Defense Inspector General assessments of voting assistance compliance at military installations.
- Sec. 587. Physical evaluation boards.
- Sec. 588. Department of Labor transitional assistance program.
- Sec. 589. Revision in Government contributions to Medicare-Eligible Retiree Health Care Fund.
- Sec. 590. Military chaplains.
- Sec. 591. Report on personnel requirements for airborne assets identified as Low-Density, High-Demand Airborne Assets.
- Sec. 592. Entrepreneurial Service Members Empowerment Task Force.
- Sec. 593. Comptroller General report on military conscientious objectors.
- Sec. 594. Commission on the National Guard and Reserves.

Subtitle A—Officer Personnel Policy

SEC. 501. AUTHORIZED STRENGTH OF NAVY RESERVE FLAG OFFICERS.

(a) SIMPLIFICATION OF COUNTING OF NAVY RESERVE FLAG OFFICERS.—Subsection (c) of section 12004 of title 10, United States Code, is amended to read as follows:

“(c) The authorized strength of the Navy under subsection (a) is exclusive of officers counted under section 526 of this title.”.

(b) CONFORMING AMENDMENT.—Subsection (d) of such section is amended by striking “of those” and inserting “of officers”.

SEC. 502. STANDARDIZATION OF GRADE OF SENIOR DENTAL OFFICER OF THE AIR FORCE WITH THAT OF SENIOR DENTAL OFFICER OF THE ARMY.

(a) AIR FORCE ASSISTANT SURGEON GENERAL FOR DENTAL SERVICES.—Section 8081 of title 10, United States Code, is amended by striking “brigadier general” in the second sentence and inserting “major general”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the occurrence of the next vacancy in the position of Assistant Surgeon General for Dental Services in the Air Force that occurs after the date of the enactment of this Act or, if earlier, on the date of the appointment to the grade of major general of the officer who is the incumbent in that position on the date of the enactment of the Act.

SEC. 503. MANAGEMENT OF CHIEF WARRANT OFFICERS.

(a) RETENTION OF CHIEF WARRANT OFFICERS, W-4, WHO HAVE TWICE FAILED OF SELECTION FOR PROMOTION.—Section 580(e)(1) of title 10, United States Code, is amended by striking “continued on active duty if” and all that follows and inserting “continued on active duty if—

“(A) in the case of a warrant officer in the grade of chief warrant officer, W-2, or chief warrant officer, W-3, the warrant officer is selected for continuation on active duty by a selection board convened under section 573(c) of this title; and

“(B) in the case of a warrant officer in the grade of chief warrant officer, W-4, the warrant officer is selected for continuation on active

duty by the Secretary concerned under such procedures as the Secretary may prescribe.”.

(b) MANDATORY RETIREMENT FOR LENGTH OF SERVICE.—Section 1305(a) of such title is amended—

(1) by striking “(1) Except as” and all the follows through “W-5)” and inserting “A regular warrant officer”;

(2) by inserting “as a warrant officer” after “years of active service”;

(3) by inserting “the date on which” after “60 days after”; and

(4) by striking paragraph (2).

SEC. 504. REDUCTION IN TIME-IN-GRADE REQUIREMENT FOR PROMOTION TO CAPTAIN IN THE ARMY, AIR FORCE, AND MARINE CORPS AND LIEUTENANT IN THE NAVY.

Section 619(a)(1) of title 10, United States Code, is amended by striking “he has completed” in the matter preceding subparagraph (A) and all that follows through the period at the end of subparagraph (B) and inserting “the officer has completed 18 months of service in the grade in which the officer holds a permanent appointment”.

SEC. 505. MILITARY STATUS OF OFFICERS SERVING IN CERTAIN INTELLIGENCE COMMUNITY POSITIONS.

(a) CLARIFICATION OF MILITARY STATUS.—Section 528 of title 10, United States Code, is amended—

(1) by striking subsections (a) and (b) and inserting the following:

“(a) MILITARY STATUS.—An officer of the armed forces, while serving in a position covered by this section—

“(1) shall not be subject to supervision or control by the Secretary of Defense or any other officer or employee of the Department of Defense, except as directed by the Secretary of Defense concerning reassignment from such position; and

“(2) may not exercise, by reason of the officer’s status as an officer, any supervision or control with respect to any of the military or civilian personnel of the Department of Defense except as otherwise authorized by law.

“(b) DIRECTOR AND DEPUTY DIRECTOR OF CIA.—When the position of Director or Deputy Director of the Central Intelligence Agency is held by an officer of the armed forces, the officer serving in that position, while so serving, shall be excluded from the limitations in sections 525 and 526 of this title. However, if both such positions are held by an officer of the armed forces, only one such officer may be excluded from those limitation while so serving.”; and

(2) by adding at the end the following new subsections:

“(e) EFFECT OF APPOINTMENT.—Except as provided in subsection (a), the appointment or assignment of an officer of the armed forces to a position covered by this section shall not affect—

“(1) the status, position, rank, or grade of such officer in the armed forces; or

“(2) any emolument, perquisite, right, privilege, or benefit incident to or arising out of such status, position, rank, or grade.

“(f) MILITARY PAY AND ALLOWANCES.—An officer of the armed forces on active duty who is appointed or assigned to a position covered by this section shall, while serving in such position and while remaining on active duty, continue to receive military pay and allowances and shall not receive the pay prescribed for such position. Funds from which such military pay and allowances are paid to such officer while so serving shall be reimbursed from funds available to the Director of the Central Intelligence Agency (for an officer serving in a position within the Central Intelligence Agency) or from funds available to the Director of National Intelligence (for an officer serving in a position within the Office of the Director of National Intelligence).

“(g) COVERED POSITIONS.—The positions covered by this section are the positions specified in

subsections (b) and (c) and the positions designated under subsection (d).”.

(b) CLERICAL AMENDMENTS.—

(1) The heading of such section is amended to read as follows:

“§528. Officers serving in certain intelligence positions: military status; exclusion from distribution and strength limitations; pay and allowances”.

(2) The table of sections at the beginning of chapter 32 of such title is amended to read as follows:

“528. Officers serving in certain intelligence positions: military status; exclusion from distribution and strength limitations; pay and allowances.”.

Subtitle B—Reserve Component Management

SEC. 511. REVISIONS TO RESERVE CALL-UP AUTHORITY.

(a) MAXIMUM NUMBER OF DAYS.—Subsection (a) of section 12304 of title 10, United States Code, is amended by striking “270 days” and inserting “365.”

(b) SUPPORT FOR DISASTERS.—Such section is further amended—

(1) in subsection (b)—

(A) by striking “or” at the end of paragraph (1);

(B) by striking the period at the end of paragraph (2) and inserting “; or”; and

(C) by adding at the end the following new paragraph:

“(3) a serious natural or manmade disaster, accident, or catastrophe that occurs in the United States, its territories and possessions, or Puerto Rico.”; and

(2) in subsection (c)(1)—

(A) by striking “title or,” and inserting “title.”; and

(B) by striking “, to provide” and all that follows through the end and inserting a period.

(c) FAIR TREATMENT.—Such section is further amended—

(1) by redesignating subsection (i) as subsection (j); and

(2) by inserting after subsection (h) the following new subsection (i):

“(i) CONSIDERATIONS FOR INVOLUNTARY ORDER TO ACTIVE DUTY.—(1) In determining which members of the Selected Reserve and Individual Ready Reserve will be ordered to duty without their consent under this section, appropriate consideration shall be given to—

“(A) the length and nature of previous service, to assure such sharing of exposure to hazards as the national security and military requirements will reasonably allow;

“(B) family responsibilities; and

“(C) employment necessary to maintain the national health, safety, or interest.

“(2) The Secretary of Defense shall prescribe such policies and procedures as the Secretary considers necessary to carry out this subsection.”.

SEC. 512. MILITARY RETIREMENT CREDIT FOR CERTAIN SERVICE BY NATIONAL GUARD MEMBERS PERFORMED WHILE IN A STATE DUTY STATUS IMMEDIATELY AFTER THE TERRORIST ATTACKS OF SEPTEMBER 11, 2001.

Subsection (c) of section 514 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3232) is amended by adding at the end the following new paragraph:

“(3) In the State of New Jersey: Bergen, Hudson, Union, and Middlesex.”.

SEC. 513. REPORT ON PRIVATE-SECTOR PROMOTION AND CONSTRUCTIVE TERMINATION OF MEMBERS OF THE RESERVE COMPONENTS CALLED OR ORDERED TO ACTIVE SERVICE.

(a) REPORT REQUIRED.—Not later than March 1, 2007, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the

House of Representatives a report on the promotion and constructive termination by private-sector employers of members of the reserve components called or ordered to active service.

(b) **COLLECTION OF INFORMATION.**—The Secretary of Defense shall base the report required under subsection (a) on information submitted voluntarily by members of the reserve components.

(c) **CONSTRUCTIVE TERMINATION.**—In this section, the term “constructive termination” means the voluntary resignation of an employee because of working conditions the employee finds unbearable.

Subtitle C—Education and Training

SEC. 521. AUTHORITY TO PERMIT MEMBERS WHO PARTICIPATE IN THE GUARANTEED RESERVE FORCES DUTY SCHOLARSHIP PROGRAM TO PARTICIPATE IN THE HEALTH PROFESSIONS SCHOLARSHIP PROGRAM AND SERVE ON ACTIVE DUTY.

Paragraph (3) of section 2107a(b) of title 10, United States Code, is amended—

(1) by inserting “or a cadet or former cadet under this section who signs an agreement under section 2122 of this title,” after “military junior college,”; and

(2) by inserting “, or former cadet,” after “consent of the cadet” and after “submitted by the cadet”.

SEC. 522. JUNIOR RESERVE OFFICERS' TRAINING CORPS INSTRUCTION ELIGIBILITY EXPANSION.

Section 2031 of title 10, United States Code, is amended—

(1) in subsection (d)(1), by inserting “who are receiving retired or retainer pay,” after “Fleet Marine Corps Reserve,”; and

(2) by adding at the end the following new subsection (e):

“(e) Instead of, or in addition to, the detailing of active-duty officers and noncommissioned officers under subsection (c)(1), and the employment of retired officers and noncommissioned officers and members of the Fleet Reserve or Fleet Marine Corps Reserve under subsection (d), the Secretary of the military department concerned may authorize qualified institutions to employ as administrators and instructors in the program, retired officers and noncommissioned officers who qualify for retired pay for nonregular service under the provisions of chapter 1223 of this title but for being under the age specified in section 12731(a)(1) of this title for eligibility for such retired pay, whose qualifications are approved by the Secretary and the institution concerned, and who request such employment, subject to the following:

“(1) The compensation package for officers and noncommissioned officers employed under this subsection shall not be coupled with either active duty pay or retired pay, but instead shall be at a rate contracted individually and determined by the Secretary of the military department concerned. The Secretary may pay the institution an amount the Secretary determined to be appropriate, but the amount may not be more than the amount that would be paid on behalf of an equivalent retiree or member of the Fleet Reserve or Fleet Marine Corps Reserve under the provisions of subsection (d)(1). The Secretary may continue to pay individuals employed under this subsection pre-determined compensation packages, even after they reach the age of 60. Payments by the Secretary concerned under this paragraph shall be made from funds appropriated for that purpose.

“(2) Such a retired member is not, while so employed, considered to be on active duty or inactive duty training for any purpose.”

SEC. 523. AUTHORITY FOR UNITED STATES MILITARY ACADEMY AND UNITED STATES AIR FORCE ACADEMY PERMANENT MILITARY PROFESSORS TO ASSUME COMMAND POSITIONS WHILE ON PERIODS OF SABBATICAL.

(a) **UNITED STATES MILITARY ACADEMY.**—Section 4334(d) of title 10, United States Code, is amended—

(1) by striking “permanent professors and the”;

(2) by striking “exercise” and inserting “exercises”;

(3) by adding at the end the following new sentence: “The permanent professors exercise command only in the academic department of the Academy and, at the discretion of the Secretary of the Army, within Army units to which they are assigned.”

(b) **UNITED STATES AIR FORCE ACADEMY.**—Section 9334(b) of such title is amended—

(1) by striking “permanent professors and the”;

(2) by striking “exercise” and inserting “exercises”;

(3) by adding at the end the following new sentence: “The permanent professors exercise command only in the academic department of the Academy and, at the discretion of the Secretary of the Air Force, within Air Force units to which they are assigned.”

SEC. 524. EXPANSION OF SERVICE ACADEMY EXCHANGE PROGRAMS WITH FOREIGN MILITARY ACADEMIES.

(a) **UNITED STATES MILITARY ACADEMY.**—

(1) **NUMBER OF PARTICIPANTS IN EXCHANGE PROGRAM.**—Subsection (b) of section 4345 of title 10, United States Code, is amended by striking “24” and inserting “100”.

(2) **COSTS AND EXPENSES.**—Subsection (c) of such section is amended—

(A) by striking “for the Academy” in paragraph (3) and all that follows in that paragraph and inserting “for the Academy and such additional funds as may be available to the Academy from a source other than appropriated funds to support cultural immersion, regional awareness, or foreign language training activities in connection with the exchange program.”; and

(B) by adding at the end the following new paragraph:

“(4) Expenditures in support of the exchange program from funds appropriated for the Academy may not exceed \$1,000,000 during any fiscal year.”

(b) **UNITED STATES NAVAL ACADEMY.**—

(1) **NUMBER OF PARTICIPANTS IN EXCHANGE PROGRAM.**—Subsection (b) of section 6957a of title 10, United States Code, is amended by striking “24” and inserting “100”.

(2) **COSTS AND EXPENSES.**—Subsection (c) of such section is amended—

(A) by striking “for the Academy” in paragraph (3) and all that follows in that paragraph and inserting “for the Academy and such additional funds as may be available to the Academy from a source other than appropriated funds to support cultural immersion, regional awareness, or foreign language training activities in connection with the exchange program.”; and

(B) by adding at the end the following new paragraph:

“(4) Expenditures in support of the exchange program from funds appropriated for the Naval Academy may not exceed \$1,000,000 during any fiscal year.”

(c) **UNITED STATES AIR FORCE ACADEMY.**—

(1) **NUMBER OF PARTICIPANTS IN EXCHANGE PROGRAM.**—Subsection (b) of section 9345 of title 10, United States Code, is amended by striking “24” and inserting “100”.

(2) **COSTS AND EXPENSES.**—Subsection (c) of such section is amended—

(A) by striking “for the Academy” in paragraph (3) and all that follows in that paragraph and inserting “for the Academy and such additional funds as may be available to the Academy from a source other than appropriated funds to support cultural immersion, regional awareness, or foreign language training activities in connection with the exchange program.”; and

(B) by adding at the end the following new paragraph:

“(4) Expenditures in support of the exchange program from funds appropriated for the Academy may not exceed \$1,000,000 during any fiscal year.”

(d) **EFFECTIVE DATES.**—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act. The amendments made by subsections (b) and (c) shall take effect on October 1, 2008.

SEC. 525. REVIEW OF LEGAL STATUS OF JUNIOR ROTC PROGRAM.

(a) **REVIEW.**—The Secretary of Defense shall conduct a review of the 1976 legal opinion issued by the General Counsel of the Department of Defense regarding instruction of non-host unit students participating in Junior Reserve Officers' Training Corps programs. The review shall consider whether changes to law after the issuance of that opinion allow in certain circumstances for the arrangement for assignment of instructors that provides for the travel of an instructor from one educational institution to another once during the regular school day for the purposes of the Junior Reserve Officers' Training Corps program as an authorized arrangement that enhances administrative efficiency in the management of the program. If the Secretary, as a result of the review, determines that such authority is not available, the Secretary should also consider whether such authority should be available and whether there should be authority to waive the restrictions under certain circumstances.

(b) **REPORT.**—The Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report containing the results of the review not later than 180 days after the date of the enactment of this Act.

(c) **INTERIM AUTHORITY.**—A current institution that has more than 70 students and is providing support to another educational institution with more than 70 students and has been providing for the assignment of instructors from one school to the other may continue to provide such support until 180 days following receipt of the report under subsection (b).

Subtitle D—General Service Authorities

SEC. 531. TEST OF UTILITY OF TEST PREPARATION GUIDES AND EDUCATION PROGRAMS IN ENHANCING RECRUIT CANDIDATE PERFORMANCE ON THE ARMED SERVICES VOCATIONAL APTITUDE BATTERY (ASVAB) AND ARMED FORCES QUALIFICATION TEST (AFQT).

(a) **REQUIREMENT FOR TEST.**—The Secretary of Defense shall conduct a test of the utility of commercially available test preparation guides and education programs designed to assist recruit candidates achieve scores on military recruit qualification testing that better reflect the full potential of those recruit candidates in terms of aptitude and mental category. The test shall be conducted through the Secretaries of the Army, Navy and Air Force.

(b) **ASSESSMENT OF COMMERCIALY AVAILABLE GUIDES AND PROGRAMS.**—The test shall assess commercially available test preparation guides and education programs designed to enhance test performance. The test preparation guides assessed shall test both written formats and self-paced computer-assisted programs. Education programs assessed may test both self-study textbook and computer-assisted courses and instructor-led courses.

(c) **OBJECTIVES.**—The objectives of the test are to determine the following:

(1) The degree to which test preparation assistance degrades test reliability and accuracy.

(2) The degree to which test preparation assistance allows more accurate testing of skill aptitudes and mental capability.

(3) The degree to which test preparation assistance allows individuals to achieve higher scores without sacrificing reliability and accuracy.

(4) What role is recommended for test preparation assistance in military recruiting.

(d) **CONTROL GROUP.**—As part of the test, the Secretary shall identify a population of recruit candidates who will not receive test preparation

assistance and will serve as a control group for the test. Data from recruit candidates participating in the test and data from recruit candidates in the control group shall be compared in terms of both (1) test performance, and (2) subsequent duty performance in training and unit settings following entry on active duty.

(e) **NUMBER OF PARTICIPANTS.**—The Secretary shall provide test preparation assistance to a minimum of 2,000 recruit candidates and shall identify an equal number to be established as the control group population.

(f) **DURATION OF TEST.**—The Secretary shall begin the test not later than nine months after the date of the enactment of this Act. The test shall identify participants over a one-year period from the start of the test and shall assess duty performance for each participant for 18 months following entry on active duty. The last participant shall be identified, but other participants may not be identified.

(g) **REPORT ON FINDINGS.**—Not later than six months after completion of the duty performance assessment of the last identified participant in the test, the Secretary of Defense shall submit to the Committee on Armed Services in the Senate and the Committee on Armed Services of the House of Representatives a report providing the findings of the Secretary with respect to each of the objectives specified in subsection (c) and the Secretary's recommendations.

SEC. 532. NONDISCLOSURE OF SELECTION BOARD PROCEEDINGS.

(a) **ACTIVE-DUTY SELECTION BOARD PROCEEDINGS.**—

(1) **EXTENSION TO ALL ACTIVE-DUTY BOARDS.**—Chapter 36 of title 10, United States Code, is amended by inserting after section 613 the following new section:

“§ 613a. Nondisclosure of board proceedings

“(a) **NONDISCLOSURE.**—The proceedings of a selection board convened under section 611 this title may not be disclosed to any person not a member of the board.

“(b) **PROHIBITED USES OF BOARD RECORDS.**—The discussions and deliberations of such a selection board and any written or documentary record of such discussions and deliberations—

“(1) are immune from legal process;

“(2) may not be admitted as evidence; and

“(3) may not be used for any purpose in any action, suit, or judicial or administrative proceeding without the consent of the Secretary of the military department concerned.

“(c) **APPLICABILITY.**—The section shall apply with respect to the proceedings of all selection boards convened under section 611 of this title, including selection boards convened before the date of the enactment of this section.”.

(2) **CONFORMING AMENDMENT.**—Section 618 of such title is amended by striking subsection (f).

(b) **RESERVE SELECTION BOARD PROCEEDINGS.**—Section 14104 of such title is amended to read as follows:

“§ 14104. Nondisclosure of board proceedings

“(a) **NONDISCLOSURE.**—The proceedings of a selection board convened under section 14101 of this title may not be disclosed to any person not a member of the board.

“(b) **PROHIBITED USES OF BOARD RECORDS.**—The discussions and deliberations of such a selection board and any written or documentary record of such discussions and deliberations—

“(1) are immune from legal process;

“(2) may not be admitted as evidence; and

“(3) may not be used for any purpose in any action, suit, or judicial or administrative proceeding without the consent of the Secretary of the military department concerned.

“(c) **APPLICABILITY.**—The section shall apply with respect to the proceedings of all selection boards convened under section 14101 of this title, including selection boards convened before the date of the enactment of this section.”.

(c) **CLERICAL AMENDMENTS.**—

(1) The table of sections at the beginning of subchapter I of chapter 36 of such title is

amended by inserting after the item relating to section 613 the following new item:

“14104. Nondisclosure of board proceedings.”.

(2) The item relating to section 14104 in the table of sections at the beginning of chapter 1403 of such title is amended to read as follows:

“14104. Nondisclosure of board proceedings.”.

SEC. 533. REPORT ON EXTENT OF PROVISION OF TIMELY NOTICE OF LONG-TERM DEPLOYMENTS.

Not later than March 1, 2007, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the number of members of the Armed Forces (shown by service and within each service by reserve component and active component) who, since September 11, 2001, have not received at least 30 days notice (in the form of an official order) before a deployment that will last 180 days or more. With respect to members of the reserve components, the report shall describe the degree of compliance (or noncompliance) with Department of Defense policy concerning the amount of notice to be provided before long-term mobilizations or deployments.

Subtitle E—Authorities Relating to Guard and Reserve Duty

SEC. 541. TITLE 10 DEFINITION OF ACTIVE GUARD AND RESERVE DUTY.

Section 101 of title 10, United States Code, is amended—

(1) by adding at the end of subsection (b) the following new paragraph:

“(16) The term ‘Active Guard and Reserve’ means a member of a reserve component who is on active duty pursuant to section 12301(d) of this title or, if a member of the Army National Guard or Air National Guard, is on full-time National Guard duty pursuant to section 502(f) of title 32, and who is performing Active Guard and Reserve duty.”; and

(2) in paragraph (6)(A) of subsection (d)—

(A) by striking “or full-time National Guard duty” after “means active duty”; and

(B) by striking “, pursuant to an order to active duty or full-time National Guard duty” and inserting “pursuant to an order to full-time National Guard duty.”.

SEC. 542. AUTHORITY FOR ACTIVE GUARD AND RESERVE DUTIES TO INCLUDE SUPPORT OF OPERATIONAL MISSIONS ASSIGNED TO THE RESERVE COMPONENTS AND INSTRUCTION AND TRAINING OF ACTIVE-DUTY PERSONNEL.

(a) **AGR DUTY UNDER TITLE 10.**—Subsections (a) and (b) of section 12310 of title 10, United States Code, are amended to read as follows:

“(a) **AUTHORITY.**—(1) The Secretary concerned may order a member of a reserve component under the Secretary's jurisdiction to active duty pursuant to section 12301(d) of this title to perform Active Guard and Reserve duty organizing, administering, recruiting, instructing, or training the reserve components.

“(2) A Reserve ordered to active duty under paragraph (1) shall be ordered in the Reserve's reserve grade. While so serving, the Reserve continues to be eligible for promotion as a Reserve, if otherwise qualified.

“(b) **DUTIES.**—A Reserve on active duty under subsection (a) may perform the following duties in addition to (and not in lieu of) the Reserve's primary Active Guard and Reserve duties described in subsection (a)(1):

“(1) Supporting operations or missions assigned in whole or in part to the reserve components.

“(2) Supporting operations or missions performed or to be performed by—

“(A) a unit composed of elements from more than one component of the same armed force; or

“(B) a joint forces unit that includes—

“(i) one or more reserve component units; or

“(ii) a member of a reserve component whose reserve component assignment is in a position in an element of the joint forces unit.

“(3) Advising the Secretary of Defense, the Secretaries of the military departments, the Joint Chiefs of Staff, and the commanders of the unified combatant command regarding reserve component matters.

“(4) Instructing or training in the United States or the Commonwealth of Puerto Rico or possessions of the United States of—

“(A) active-duty members of the armed forces;

“(B) members of foreign military forces (under the same authorities and restrictions applicable to active-duty members providing such instruction or training);

“(C) Department of Defense contractor personnel; or

“(D) Department of Defense civilian employees.”.

(b) **MILITARY TECHNICIANS UNDER TITLE 10.**—Section 10216(a) of such title is amended—

(1) in paragraph (1)(C), by striking “administering, instructing, or”; and

(2) by adding at the end the following new paragraph:

“(3) A military technician (dual status) who is employed under section 3101 of title 5 may perform the following duties in addition to (and not in lieu of) those primary duties described in paragraph (1):

“(A) Supporting operations or missions assigned in whole or in part to the technician's unit;

“(B) Supporting operations or missions performed or to be performed by—

“(i) a unit composed of elements from more than one component of the technician's armed force; or

“(ii) a joint forces unit that includes—

“(I) one or more units of the technician's component; or

“(II) a member of the technician's component whose reserve component assignment is in a position in an element of the joint forces unit.

“(C) Instructing or training in the United States or the Commonwealth of Puerto Rico or possessions of the United States of—

“(i) active-duty members of the armed forces;

“(ii) members of foreign military forces (under the same authorities and restrictions applicable to active-duty members providing such instruction or training);

“(iii) Department of Defense contractor personnel; or

“(iv) Department of Defense civilian employees.”.

(c) **NATIONAL GUARD TITLE 32 TRAINING DUTY.**—Section 502(f) of title 32, United States Code, title is amended—

(1) by inserting “(1)” before “Under regulations”;;

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(3) by striking the last sentence and inserting the following:

“(2) The training or duty ordered to be performed under paragraph (1) may include the following:

“(A) Support of operations or missions undertaken by the member's unit at the request of the President or Secretary of Defense.

“(B) Support of training operations and training missions assigned in whole or in part to the National Guard by the Secretary concerned, but only to the extent that such training missions and training operations—

“(i) are performed in the territorial limits of the United States, its territories and possessions, the District of Columbia, and the Commonwealth of Puerto Rico; and

“(ii) are only to instruct active duty military, foreign military (under the same authorities and restrictions applicable to active duty troops), Department of Defense contractor personnel, or Department of Defense civilian employees.

“(3) Duty without pay shall be considered for all purposes as if it were duty with pay.”.

(d) **NATIONAL GUARD TECHNICIANS UNDER TITLE 32.**—Section 709(a) of title 32, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking “administration and” and inserting “organizing, administering, instructing, or”; and

(B) by striking “and” at the end of such paragraph;

(2) by striking the period at the end of paragraph (2) and inserting “; and”; and

(3) by adding at the end the following new paragraph:

“(3) the performance of the following duties in addition to (and not in lieu of) those duties described by paragraphs (1) and (2):

“(A) Support of operations or missions undertaken by the technician’s unit at the request of the President or the Secretary of Defense.

“(B) Support of Federal training operations or Federal training missions assigned in whole or in part to the technician’s unit.

“(C) Instructing or training in the United States or the Commonwealth of Puerto Rico or possessions of the United States of—

“(i) active-duty members of the armed forces;

“(ii) members of foreign military forces (under the same authorities and restrictions applicable to active-duty members providing such instruction or training);

“(iii) Department of Defense contractor personnel; or

“(iv) Department of Defense civilian employees.”.

(e) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“328. Active Guard and Reserve duty: Governor’s authority.”.

SEC. 543. GOVERNOR’S AUTHORITY TO ORDER MEMBERS TO ACTIVE GUARD AND RESERVE DUTY.

(a) IN GENERAL.—Chapter 3 of title 32, United States Code, is amended by adding at the end the following new section:

“§328. Active Guard and Reserve duty: Governor’s authority

“(a) AUTHORITY.—The Governor of a State or the Commonwealth of Puerto Rico, Guam, or the Virgin Islands, or the commanding general of the District of Columbia National Guard, as the case may be, with the consent of the Secretary concerned, may order a member of the National Guard to perform Active Guard and Reserve duty, as defined by section 101(d)(6) of title 10, pursuant to section 502(f) of this title.

“(b) DUTIES.—A member of the National Guard performing duty under subsection (a) may perform the following duties in addition to (and not in lieu of) that member’s primary Active Guard and Reserve duties of organizing, administering, recruiting, instructing, and training the reserve components:

“(1) Support of operations or missions undertaken by the member’s unit at the request of the President or the Secretary of Defense.

“(2) Support of training operations and training missions assigned in whole or in part by the Secretary concerned to the National Guard, but only to the extent that such training operation and training missions—

“(A) are performed in the territorial limits of the United States, its territories and possessions, and the Commonwealth of Puerto Rico; and

“(B) are only to instruct—

“(i) active-duty members of the armed forces;

“(ii) members of foreign military forces (under the same authorities and restrictions applicable to active-duty members providing such instruction or training);

“(iii) Department of Defense contractor personnel; or

“(iv) Department of Defense civilian employees.”.

SEC. 544. NATIONAL GUARD OFFICERS AUTHORITY TO COMMAND.

Section 325 of title 32, United States Code, is amended—

(1) in subsection (a)(2), by striking “in command of a National Guard unit”; and

(2) by redesignating subsection (b) as subsection (c); and

(3) by inserting after subsection (a) the following new subsection (b):

“(b) ADVANCE AUTHORIZATION AND CONSENT.—The President and Governor of the State or Commonwealth of Puerto Rico, Guam, or the Virgin Islands, or the commanding general of the District of Columbia National Guard, as the case may be, respectively, may give the authorization and consent required by subsection (a)(2), in advance, for the purpose of establishing the succession of command of a unit.”; and

(4) by adding at the end the following new subsection:

“(d) NATIONAL GUARD DUTIES.—An officer who is not relieved from duty in the National Guard while serving on active duty pursuant to subsection (a)(2) may perform any duty authorized to be performed by the laws of that officer’s State or the laws of the Commonwealth of Puerto Rico, Guam, the Virgin Islands, or the District of Columbia, as the case may be, to be performed by the National Guard without regard to the limitations imposed by section 1385 of title 18.”.

SEC. 545. EXPANSION OF OPERATIONS OF CIVIL SUPPORT TEAMS.

(a) IN GENERAL.—Section 12310(c) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking “involving—” and inserting “involving any of the following.”; and

(B) by striking subparagraphs (A) and (B) and inserting the following:

“(A) The use or threatened use of a weapon of mass destruction (as defined in section 12304(i)(2) of this title) in the United States.

“(B) A terrorist attack or threatened terrorist attack in the United States that results, or could result, in catastrophic loss of life or property.

“(C) The intentional or unintentional release of nuclear, biological, radiological, or toxic or poisonous chemical materials in the United States that results, or could result, in catastrophic loss of life or property.

“(D) A natural or manmade disaster in the United States that results in, or could result in, catastrophic loss of life or property.”;

(2) by amending paragraph (3) to read as follows:

“(3) A Reserve may perform duty described in paragraph (1) only while assigned to a reserve component weapons of mass destruction civil support team.”; and

(3) by adding at the end the following new paragraph:

“(7) In this subsection, the term ‘United States’ includes the Commonwealth of Puerto Rico, Guam, and the Virgin Islands.”.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Such section is further amended—

(1) by striking the subsection heading and inserting “OPERATIONS RELATING TO DEFENSE AGAINST WEAPONS OF MASS DESTRUCTION AND TERRORIST ATTACKS.”;

(2) in paragraph (5), by striking “rapid assessment element team” and inserting “weapons of mass destruction civil support team”; and

(3) in paragraph (6)—

(A) in the matter preceding subparagraph (A), by striking “paragraph (3)” and inserting “paragraphs (1) and (3)”;

(B) in subparagraph (B), by striking “paragraph (3)(B)” and inserting “paragraph (3)”.

Subtitle F—Decorations and Awards

SEC. 551. AUTHORITY FOR PRESENTATION OF MEDAL OF HONOR FLAG TO LIVING MEDAL OF HONOR RECIPIENTS AND TO LIVING PRIMARY NEXT-OF-KIN OF DECEASED MEDAL OF HONOR RECIPIENTS.

(a) ARMY.—Section 3755 of title 10, United States Code, is amended—

(1) by striking “after October 23, 2002”; and

(2) by adding at the end the following new sentence: “In the case of a posthumous presen-

tation of the medal, the flag shall be presented to the person to whom the medal is presented”.

(b) NAVY.—Section 6257 of such title is amended—

(1) by striking “after October 23, 2002”; and

(2) by adding at the end the following new sentence: “In the case of a posthumous presentation of the medal, the flag shall be presented to the person to whom the medal is presented”.

(c) AIR FORCE.—Section 8755 of such title is amended—

(1) by striking “after October 23, 2002”; and

(2) by adding at the end the following new sentence: “In the case of a posthumous presentation of the medal, the flag shall be presented to the person to whom the medal is presented”.

(d) COAST GUARD.—Section 505 of title 14, United States Code, is amended—

(1) by striking “after October 23, 2002”; and

(2) by adding at the end the following new sentence: “In the case of a posthumous presentation of the medal, the flag shall be presented to the person to whom the medal is presented”.

(e) PRESENTATION OF FLAG FOR PRIOR RECIPIENTS OF MEDAL OF HONOR.—

(1) LIVING RECIPIENTS.—The President shall provide for the presentation of the Medal of Honor Flag as expeditiously as possible after the date of the enactment of this Act to each living recipient of the Medal of Honor who was awarded the Medal of Honor before that date.

(2) SURVIVORS OF DECEASED RECIPIENTS.—The President shall provide for posthumous presentation of the Medal of Honor Flag, upon written application therefor, to the primary next of kin of any recipient of the Medal of Honor who was awarded the Medal of Honor before the date of the enactment of this Act and who is deceased as of such date (or who dies after such date and before the presentation required by paragraph (1)). For purposes of this paragraph, the primary next-of-kin is the person who would be entitled to receive the award of the Medal of Honor for such deceased individual if the award were being made posthumously at the time of the presentation of the Medal of Honor Flag.

(3) MEDAL OF HONOR FLAG.—In this subsection, the term “Medal of Honor Flag” means the flag designated under section 903 of title 36, United States Code.

SEC. 552. COLD WAR VICTORY MEDAL.

(a) AUTHORITY.—Chapter 57 of title 10, United States Code, is amended by adding at the end the following new section:

“§1135. Cold War Victory Medal

“(a) MEDAL AUTHORIZED.—The Secretary concerned shall issue a service medal, to be known as the ‘Cold War Victory Medal’, to persons eligible to receive the medal under subsection (b). The Cold War Victory Medal shall be of an appropriate design approved by the Secretary of Defense, with ribbons, lapel pins, and other appurtenances.

“(b) ELIGIBLE PERSONS.—The following persons are eligible to receive the Cold War Victory Medal:

“(1) A person who—

“(A) performed active duty or inactive duty training as an enlisted member during the Cold War;

“(B) completed the person’s initial term of enlistment or, if discharged before completion of such initial term of enlistment, was honorably discharged after completion of not less than 180 days of service on active duty; and

“(C) has not received a discharge less favorable than an honorable discharge or a release from active duty with a characterization of service less favorable than honorable.

“(2) A person who—

“(A) performed active duty or inactive duty training as a commissioned officer or warrant officer during the Cold War;

“(B) completed the person’s initial service obligation as an officer or, if discharged or separated before completion of such initial service obligation, was honorably discharged after completion of not less than 180 days of service on active duty; and

“(C) has not been released from active duty with a characterization of service less favorable than honorable and has not received a discharge or separation less favorable than an honorable discharge.

“(c) ONE AWARD AUTHORIZED.—Not more than one Cold War Victory Medal may be issued to any person.

“(d) ISSUANCE TO REPRESENTATIVE OF DECEASED.—If a person described in subsection (b) dies before being issued the Cold War Victory Medal, the medal shall be issued to the person's representative, as designated by the Secretary concerned.

“(e) REPLACEMENT.—Under regulations prescribed by the Secretary concerned, a Cold War Victory Medal that is lost, destroyed, or rendered unfit for use without fault or neglect on the part of the person to whom it was issued may be replaced without charge.

“(f) APPLICATION FOR MEDAL.—The Cold War Victory Medal shall be issued upon receipt by the Secretary concerned of an application for such medal, submitted in accordance with such regulations as the Secretary prescribes.

“(g) UNIFORM REGULATIONS.—The Secretary of Defense shall ensure that regulations prescribed by the Secretaries of the military departments under this section are uniform so far as is practicable.

“(h) DEFINITION.—In this section, the term ‘Cold War’ means the period beginning on September 2, 1945, and ending at the end of December 26, 1991.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item: “1135. Cold War Victory Medal.”.

SEC. 553. POSTHUMOUS AWARD OF PURPLE HEART FOR PRISONERS OF WAR WHO DIE IN OR DUE TO CAPTIVITY.

(a) DECEASED POWS NOT OTHERWISE ELIGIBLE FOR PURPLE HEART.—Chapter 57 of title 10, United States Code, is amended by adding after section 1135, as added by section 552(a), the following new section:

“§ 1136. Purple Heart: posthumous award for prisoners of war or former prisoners of war dying in or due to captivity

“(a) For purposes of the award of the Purple Heart, the Secretary concerned shall treat a death described in subsection (b) in the same manner as the death of a member of the armed forces in action as the result of an act of an enemy of the United States.

“(b) A death described in this subsection is either of the following:

“(1) The death of a member of the armed forces who dies in captivity under circumstances establishing eligibility for the prisoner-of-war medal under section 1128 of this title but under circumstances not otherwise establishing eligibility for the Purple Heart.

“(2) The death of a member or former member of the armed forces who following captivity as a prisoner of war is issued the prisoner-of-war medal under section 1128 of this title and who dies due to a disease or disability that was incurred during that captivity, unless the member or former member received a Purple Heart due to the injury or conditions resulting in that disease or disability.

“(c) The Secretary of Defense shall prescribe regulations for determining eligibility for the Purple Heart under this section. Such regulations shall include criteria for the determination under paragraph (2) of subsection (b) of whether a death is due to a disease or disability incurred while a prisoner of war.

“(d) This section applies to any member of the armed forces who is held as a prisoner of war after December 7, 1941.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding after the item relating to section 1135, as added by section 552(b), the following new item:

“1136. Purple Heart: posthumous award for prisoners of war or former prisoners of war dying in or due to captivity.”.

(c) RETROACTIVE AWARDS.—In the case of a member or former member of the Armed Forces covered by section 1135 of title 10, United States Code, whose death is before the date of the enactment of this Act, the Secretary concerned shall award the Purple Heart under that section upon receipt of an application that is made to the Secretary in such manner, and containing such information, as the Secretary requires.

SEC. 554. ADVANCEMENT ON THE RETIRED LIST OF CERTAIN DECORATED RETIRED NAVY AND MARINE CORPS OFFICERS.

(a) ADVANCEMENT ON RETIRED LIST.—The Secretary of the Navy shall, upon receipt of a qualifying application, advance on the retired list of the Navy or Marine Corps, as applicable, any retired officer of the Navy or Marine Corps described in subsection (b). Each such officer shall be advanced to the next higher grade above the officer's retired grade as of the day before the date of the enactment of this Act.

(b) COVERED OFFICERS.—Subsection (a) applies to any retired officer of the Navy or Marine Corps—

(1) who was eligible to retire before November 1, 1959, but who retired on or after that date; and

(2) who, under the provisions of law in effect before November 1, 1959, would have been eligible, by reason of having been specifically commended for performance of duty in actual combat, to have been retired in the next higher grade if the officer had retired before that date.

(c) QUALIFYING APPLICATION.—A qualifying application is an application from an officer described in subsection (b) or, in the case of a deceased officer, the surviving spouse or another immediate family member (as determined by the Secretary) of the officer, that—

(1) requests advancement on the retired list under this section; and

(2) provides such information as the Secretary may require.

(d) EFFECT OF ADVANCEMENT ON RETIRED LIST.—The advancement of an officer on the retired list pursuant to subsection (a) shall not affect—

(1) in the case of a retired officer who is living as of the date of the enactment of this Act, the retired pay or other benefits of the officer or the grade in which the officer could be ordered or recalled to active duty; and

(2) any benefit to which any other person is or may become entitled based upon the officer's service.

SEC. 555. REPORT ON DEPARTMENT OF DEFENSE PROCESS FOR AWARING DECORATIONS.

(a) REVIEW.—The Secretary of Defense shall conduct a review of the policy, procedures, and processes of the military departments for awarding decorations to members of the Armed Forces.

(b) TIME PERIODS.—As part of the review, the Secretary shall determine how long the award process takes—

(1) from the time a recommendation for the award of a decoration is submitted until the time the award of the decoration is approved; and

(2) from the time award of a decoration is approved until the time when the decoration is presented to the recipient.

(c) RESERVE COMPONENTS.—In conducting the review, the Secretary shall ensure that the timeliness of the awards process for members of the reserve components is the same or similar as that for members of the active components.

(d) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report containing the Secretary's findings as a result

of the review under subsection (a), together with a plan for implementing whatever changes are determined to be appropriate to the process for awarding decorations in order to ensure that decorations are awarded in a timely manner, to the extent practicable.

Subtitle G—Matters Relating to Casualties

SEC. 561. CRITERIA FOR REMOVAL OF MEMBER FROM TEMPORARY DISABILITY RETIRED LIST.

(a) CRITERIA.—Section 1210(e) of title 10, United States Code, is amended by inserting “of a permanent nature and stable and is” after “physical disability”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to any case received for consideration by a physical evaluation board after the date of the enactment of this Act.

SEC. 562. DEPARTMENT OF DEFENSE COMPUTER/ELECTRONIC ACCOMMODATIONS PROGRAM FOR SEVERELY WOUNDED MEMBERS.

(a) IN GENERAL.—Chapter 58 of title 10, United States Code, is amended by inserting after section 1150 the following new section:

“§ 1151. Severely wounded members: assistive technology and services

“(a) AUTHORITY.—The Secretary of Defense may provide assistive technology, assistive technology devices, and assistive technology services, as those terms are defined in section 3 of the Assistive Technology Act of 1998 (29 U.S.C. 3002), to a member of the armed forces who has sustained a severe or debilitating illness or injury while serving in support of a contingency operation.

“(b) DURATION AND PROVISION OF TECHNOLOGY AND SERVICES.—The Secretary may provide technology and services authorized by subsection (a) for an indefinite period, without regard to whether the person assisted continues to be a member of the armed forces.

“(c) AUTHORITY TO ALLOW RETENTION OF DEVICES, ETC.—Upon the separation from active service of a member who has been provided assistance as specified in subsection (a), the Secretary may allow the member to retain any assistive technology, device, or service provided to the member before the member's separation.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1150 the following new item:

“1151. Severely wounded members: assistive technology and services.”.

SEC. 563. TRANSPORTATION OF REMAINS OF CASUALTIES DYING IN A THEATER OF COMBAT OPERATIONS.

(a) IN GENERAL.—The Secretary concerned shall provide transportation of the remains of a member of the Armed Forces who dies in a combat theater of operations and whose remains are returned to the United States through the mortuary facility at Dover Air Force Base, Delaware, in accordance with section 1482(a)(8) of title 10, United States Code, and this section.

(b) ESCORT.—The Secretary concerned shall ensure that such remains are escorted under that section at all times by at least one person, who shall be a member of the Armed Forces of appropriate grade.

(c) AIR TRANSPORTATION FROM DOVER AFB.—

(1) USE OF MILITARY AIRCRAFT.—If transportation of remains described in subsection (a) from Dover Air Force Base to the escorted remains destination includes transportation by aircraft, such transportation by aircraft (unless otherwise directed by the next-of-kin) shall be made by military aircraft or military-contracted aircraft to the military airfield that is closest to the escorted remains destination. In the case of any such flight, the exclusive mission of the flight shall be the transportation of those remains.

(2) ESCORTED REMAINS DESTINATION.—In this subsection, the term “escorted remains destination” means the place to which remains are to

be transported pursuant to section 1482(a)(8) of title 10, United States Code.

(d) **HONOR GUARD ESCORT.**—In a case of the transportation of remains covered by subsection (a), there shall be a military escort (in addition to the escort under subsection (b)) that either travels with the remains from Dover Air Force Base or meets the remains at the place to which transportation by air (or by rail or motor vehicle, if applicable) is made. Such escort shall be of sufficient number to transfer the casket containing the remains from the aircraft (or other means of transportation to that place) to a hearse for local transportation. Such escort shall remain with the remains until the remains are delivered to the next-of-kin. Such escort shall consist of members of the Armed Forces on active duty or in the Ready Reserve.

SEC. 564. ANNUAL BUDGET DISPLAY OF FUNDS FOR POW/MIA ACTIVITIES OF DEPARTMENT OF DEFENSE.

(a) **CONSOLIDATED BUDGET JUSTIFICATION.**—Chapter 9 of title 10, United States Code, is amended by adding at the end the following new section:

“§234. POW/MIA activities: display of budget information

“(a) **SUBMISSION WITH ANNUAL BUDGET JUSTIFICATION DOCUMENTS.**—The Secretary of Defense shall submit to Congress, as a part of the defense budget materials for a fiscal year, a consolidated budget justification display, in classified and unclassified form, that covers all programs and activities of Department of Defense POW/MIA accounting and recovery organizations.

“(b) **REQUIREMENTS FOR BUDGET DISPLAY.**—The budget display under subsection (a) for a fiscal year shall include the following for each such organization:

“(1) The amount, by appropriation and functional area, originally requested by that organization for that fiscal year, with the supporting narrative describing the rationale for the requested funding level.

“(2) A summary of actual or estimated expenditures by that organization for the fiscal year during which the budget is submitted and for the fiscal year preceding that year.

“(3) The amount in the budget for that organization.

“(4) A detailed explanation of any inconsistencies between the amount originally requested by the organization (shown pursuant to paragraph (1)) and the amount in the budget for that organization (shown pursuant to paragraph (3)).

“(5) The budget estimate for that organization for the next five fiscal years after the fiscal year for which the budget is submitted.

“(c) **DEPARTMENT OF DEFENSE POW/MIA ACCOUNTING AND RECOVERY ORGANIZATIONS.**—In this section, the term ‘Department of Defense POW/MIA accounting and recovery organization’ means any of the following (and any successor organization):

“(1) The Defense Prisoner of War/Missing Personnel Office (DPMO).

“(2) The Joint POW/MIA Accounting Command (JPAC).

“(3) The Armed Forces DNA Identification Laboratory (AFDIL).

“(4) The Life Sciences Equipment Laboratory (LSEL) of the Air Force.

“(5) Any other element of the Department of Defense the mission of which (as designated by the Secretary of Defense) involves the accounting for and recovery of members of the armed forces who are missing in action or prisoners of war or who are unaccounted for.

“(d) **OTHER DEFINITIONS.**—In this section:

“(1) The term ‘budget’, with respect to a fiscal year, means the budget for that fiscal year that is submitted to Congress by the President under section 1105(a) of title 31.

“(2) The term ‘defense budget materials’, with respect to a fiscal year, means the materials sub-

mitted to Congress by the Secretary of Defense in support of the budget for that fiscal year.”.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by adding at the end the following new item: “234. POW/MIA activities: display of budget information.”.

Subtitle H—Assistance to Local Educational Agencies for Defense Dependents Education

SEC. 571. CONTINUATION OF AUTHORITY TO ASSIST LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) **ASSISTANCE TO SCHOOLS WITH SIGNIFICANT NUMBERS OF MILITARY DEPENDENT STUDENTS.**—Of the amount authorized to be appropriated pursuant to section 301(5) for operation and maintenance for Defense-wide activities, \$50,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (a) of section 572 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3271; 20 U.S.C. 7703b).

(b) **ASSISTANCE TO SCHOOLS WITH ENROLLMENT CHANGES DUE TO BASE CLOSURES, FORCE STRUCTURE CHANGES, OR FORCE RELOCATIONS.**—Of the amount authorized to be appropriated pursuant to section 301(5) for operation and maintenance for Defense-wide activities, \$15,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (b) of such section 572.

(c) **LOCAL EDUCATIONAL AGENCY DEFINED.**—In this section, the term “local educational agency” has the meaning given that term in section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

SEC. 572. ENROLLMENT IN DEFENSE DEPENDENTS’ EDUCATION SYSTEM OF DEPENDENTS OF FOREIGN MILITARY MEMBERS ASSIGNED TO SUPREME HEADQUARTERS ALLIED POWERS, EUROPE.

Section 1404A of the Defense Dependents’ Education Act of 1978 (20 U.S.C. 923a) is amended—

(1) in subsection (a)—

(A) by striking “of the children” and inserting “of—

“(1) the children”;

(B) by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following new paragraph:

“(2) the children of a foreign military member assigned to the Supreme Headquarters Allied Powers, Europe, but only in a school of the defense dependents’ education system in Mons, Belgium.”; and

(2) by adding at the end the following new subsection:

“(c) **SPECIAL RULES REGARDING ENROLLMENT OF DEPENDENTS OF FOREIGN MILITARY MEMBERS ASSIGNED TO SUPREME HEADQUARTERS ALLIED POWERS, EUROPE.**—(1) In the regulations required by subsection (a), the Secretary shall prescribe a methodology based on the estimated total number of dependents of sponsors under section 1414(2) enrolled in schools of the defense dependents’ education system in Mons, Belgium, to determine the number of children described in paragraph (2) of subsection (a) who will be authorized to enroll under such subsection.

“(2) If the number of children described in paragraph (2) of subsection (a) who seek enrollment in schools of the defense dependents’ education system in Mons, Belgium, exceeds the number authorized by the Secretary under paragraph (1), the Secretary may enroll the additional children on a space-available, tuition-free basis notwithstanding section 1404(d)(2).”.

Subtitle I—Postal Benefits

SEC. 575. POSTAL BENEFITS PROGRAM FOR MEMBERS OF THE ARMED FORCES.

(a) **IN GENERAL.**—The Secretary of Defense, in consultation with the United States Postal Service, shall provide for a program under which postal benefits shall be provided to qualified individuals in accordance with this subtitle.

(b) **QUALIFIED INDIVIDUAL.**—For purposes of this subtitle, the term “qualified individual” means an individual—

(1) who is a member of the Armed Forces on active duty (as defined in section 101 of title 10, United States Code); and

(2) who is—

(A) serving in Iraq or Afghanistan; or

(B) hospitalized at a facility under the jurisdiction of the Armed Forces as a result of a disease or injury incurred as a result of service in Iraq or Afghanistan.

(c) **POSTAL BENEFITS DESCRIBED.**—

(1) **IN GENERAL.**—The postal benefits provided under this subtitle shall consist of such coupons or other similar evidence of credit (whether in printed, electronic, or other format, and hereinafter in this subtitle referred to as “vouchers”) as the Secretary of Defense (in consultation with the Postal Service) shall determine, entitling the bearer or user to make qualified mailings free of postage.

(2) **QUALIFIED MAILING.**—For purposes of this subtitle, the term “qualified mailing” means the mailing of any mail matter which—

(A) is described in subparagraph (A), (B), (C), or (D) of paragraph (3);

(B) is sent from within an area served by a United States post office; and

(C) is addressed to a qualified individual.

(3) **MAIL MATTER DESCRIBED.**—The mail matter described in this paragraph is—

(A) any letter mail not exceeding 13 ounces in weight and having the character of personal correspondence;

(B) any sound- or video-recorded communications not exceeding 15 pounds in weight and having the character of personal correspondence;

(C) any ground parcel not exceeding 15 pounds in weight; and

(D) any bound printed matter not exceeding 15 pounds in weight.

(4) **LIMITATIONS.**—

(A) **NUMBER.**—An individual shall be eligible for one voucher for each month in which such individual is a qualified individual.

(B) **USE.**—Any such voucher may not be used—

(i) for more than a single qualified mailing; or

(ii) after the earlier of—

(I) the expiration date of such voucher, as designated by the Secretary of Defense; or

(II) the last day of the one-year period referred to in section 577.

(5) **COORDINATION RULE.**—Postal benefits under this subtitle shall be in addition to, and not in lieu of, any reduced rates of postage or other similar benefits which might otherwise be available by or under law, including any rates of postage resulting from the application of section 3401(b) of title 39, United States Code.

(d) **REGULATIONS.**—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense (in consultation with the Postal Service) shall prescribe any regulations necessary to carry out this subtitle, including—

(1) procedures by which vouchers will be provided or made available (including measures to allow vouchers to reach, in a timely manner, the persons selected by qualified individuals to use the vouchers); and

(2) procedures to ensure that the number of vouchers provided or made available with respect to any qualified individual complies with subsection (c)(4)(A).

SEC. 576. FUNDING.

(a) **IN GENERAL.**—Funding for the expenses incurred by the Department of Defense for any

fiscal year in providing postal benefits under this subtitle shall be paid out of funds authorized to be appropriated for that fiscal year for a contingent emergency reserve fund or as an emergency supplemental appropriations.

(b) TRANSFERS TO POSTAL SERVICE.—

(1) BASED ON ESTIMATES.—The Secretary of Defense shall transfer to the Postal Service, out of any amount so appropriated and in advance of each calendar quarter during which postal benefits under this subtitle may be used, an amount equal to the amount of postal benefits that the Secretary of Defense estimates will be used during such quarter, reduced or increased (as the case may be) by any amounts by which the Secretary finds that a determination under this subtitle for a prior quarter was greater than or less than the amount finally determined for such quarter.

(2) BASED ON FINAL DETERMINATION.—A final determination of the amount necessary to correct any previous determination under this section, and any transfer of amounts between the Postal Service and the Department of Defense based on that final determination, shall be made not later than six months after the end of the one-year period referred to in section 577.

(c) CONSULTATION REQUIRED.—All estimates and determinations under this section of the amount of postal benefits under this subtitle used in any period shall be made by the Secretary of Defense in consultation with the Postal Service.

SEC. 577. DURATION.

The postal benefits under this subtitle shall apply with respect to mail matter sent during the one-year period beginning on the date on which the regulations under section 575(d) take effect.

Subtitle J—Other Matters

SEC. 581. REDUCTION IN DEPARTMENT OF DEFENSE ACCRUAL CONTRIBUTIONS TO DEPARTMENT OF DEFENSE MILITARY RETIREMENT FUND.

(a) DETERMINATION OF CONTRIBUTIONS TO THE FUND.—

(1) CALCULATION OF ANNUAL DEPARTMENT OF DEFENSE CONTRIBUTION.—Subsection (b)(1) of section 1465 of title 10, United States Code, is amended—

(A) in subparagraph (A)(ii), by striking “to members of” and all that follows and inserting “for active duty (other than the Coast Guard) and for full-time National Guard duty (other than full-time National Guard duty for training only), but excluding any duty that would be excluded for active-duty end strength purposes by section 115(i) of this title.”; and

(B) in subparagraph (B)(ii)—

(i) by striking “Ready Reserve” and inserting “Selected Reserve”; and

(ii) by striking “Coast Guard and other than members on full-time National Guard duty other than for training) who are” and inserting “Coast Guard) for service”.

(2) QUADRENNIAL ACTUARIAL VALUATION.—Subsection (c)(1) of such section is amended—

(A) in subparagraph (A), by striking “for members of the armed forces” and all that follows through “for training only)” and inserting “for active duty (other than the Coast Guard) and for full-time National Guard duty (other than full-time National Guard duty for training only), but excluding any duty that would be excluded for active-duty end strength purposes by section 115(i) of this title”; and

(B) in subparagraph (B)—

(i) by striking “Ready Reserve” and inserting “Selected Reserve”; and

(ii) by striking “Coast Guard and other than members on full-time National Guard duty other than for training) who are” and inserting “Coast Guard) for service”.

(b) PAYMENTS INTO THE FUND.—Section 1466(a) of such title is amended—

(1) in paragraph (1)(B), by striking “by members” and all that follows and inserting “for ac-

tive duty (other than the Coast Guard) and for full-time National Guard duty (other than full-time National Guard duty for training only), but excluding any duty that would be excluded for active-duty end strength purposes by section 115(i) of this title”; and

(2) in paragraph (2)(B)—

(A) by striking “Ready” and inserting “Selected”; and

(B) by striking “Coast Guard and other than members on full-time National Guard duty other than for training) who are” and inserting “Coast Guard) for service”.

SEC. 582. DENTAL CORPS OF THE BUREAU OF MEDICINE AND SURGERY.

(a) DELETION OF REFERENCES TO DENTAL DIVISION.—Section 5138 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking the first sentence; and

(B) by striking “Dental Division” and inserting “Dental Corps” in the second sentence;

(2) in subsection (b), by striking “Dental Division” and inserting “Dental Corps”; and

(3) in subsection (c)—

(A) by striking “so” in the first sentence;

(B) by striking “, that all such” in the first sentence and all that follows through “Dental Division”; and

(C) by striking the second sentence.; and

(b) FUNCTIONS OF CHIEF OF DENTAL CORPS.—Subsection (d) of such section is amended to read as follows:

“(d) The Chief of the Dental Corps shall serve as the advisor to the Surgeon General on all matters relating directly to dentistry, including professional standards and policies for dental practice.”.

(c) CLERICAL AMENDMENTS.—

(1) The heading of such section is amended to read as follows:

“§5138. Bureau of Medicine and Surgery: Dental Corps; Chief”.

(2) The item relating to section 5138 in the table of sections at the beginning of chapter 513 of such title is amended to read as follows:

“5138. Bureau of Medicine and Surgery: Dental Corps; Chief.”.

SEC. 583. PERMANENT AUTHORITY FOR PRESENTATION OF RECOGNITION ITEMS FOR RECRUITMENT AND RETENTION PURPOSES.

Section 2261 of title 10, United States Code, is amended by striking subsection (d).

SEC. 584. REPORT ON FEASIBILITY OF ESTABLISHMENT OF MILITARY ENTRANCE PROCESSING COMMAND STATION ON GUAM.

(a) REVIEW.—The Secretary of Defense shall review the feasibility and cost effectiveness of establishing on Guam a station of the Military Entrance Processing Command to process new recruits for the Armed Forces who are drawn from the western Pacific region. For the purposes of the review, the cost effectiveness of establishing such a facility on Guam shall be measured, in part, against the system in effect in early 2006 of using Hawaii and other locations for the processing of new recruits from Guam and other locations in the western Pacific region.

(b) REPORT.—Not later than June 1, 2007, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report providing the results of the study under subsection (a).

SEC. 585. PERSONS AUTHORIZED TO ADMINISTER ENLISTMENT AND APPOINTMENT OATHS.

(a) ENLISTMENT OATH.—Section 502 of title 10, United States Code, is amended—

(1) by inserting “(a) ENLISTMENT OATH.—” before “Each person enlisting”; and

(2) by striking the last sentence; and

(3) by adding at the end the following:

“(b) WHO MAY ADMINISTER.—The oath may be taken before the President, the Vice-Presi-

dent, the Secretary of Defense, any commissioned officer, or any other person designated under regulations prescribed by the Secretary of Defense.”.

(b) OATHS GENERALLY.—Section 1031 of such title is amended by striking “Any commissioned officer of any component of an armed force, whether or not on active duty, may administer any oath” and inserting “The President, the Vice-President, the Secretary of Defense, any commissioned officer, and any other person designated under regulations prescribed by the Secretary of Defense may administer any oath”.

SEC. 586. REPEAL OF REQUIREMENT FOR PERIODIC DEPARTMENT OF DEFENSE INSPECTOR GENERAL ASSESSMENTS OF VOTING ASSISTANCE COMPLIANCE AT MILITARY INSTALLATIONS.

(a) REPEAL OF DUPLICATIVE ASSESSMENT REQUIREMENT.—Section 1566 of title 10, United States Code, is amended by striking subsection (d).

(b) REPEAL OF EXPIRED PROVISION.—Subsection (g)(2) of such section is amended by striking the last sentence.

SEC. 587. PHYSICAL EVALUATION BOARDS.

(a) IN GENERAL.—

(1) PROCEDURAL REQUIREMENTS.—Chapter 61 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 1222. Physical evaluation boards

“(a) RESPONSE TO APPLICATIONS AND APPEALS.—The Secretary of each military department shall ensure, in the case of any member of the armed forces appearing before a physical evaluation board under that Secretary’s supervision, that documents announcing a decision of the board in the case convey the findings and conclusions of the board in an orderly and itemized fashion with specific attention to each issue presented by the member in regard to that member’s case. The requirement under the preceding sentence applies to a case both during initial consideration and upon subsequent consideration due to appeal by the member or other circumstance.

“(b) LIAISON OFFICER (PEBLO) REQUIREMENTS AND TRAINING.—(1) The Secretary of Defense shall prescribe regulations establishing—

“(A) a requirement for the Secretary of each military department to make available to members of the armed forces appearing before physical evaluation boards operated by that Secretary employees, designated as physical evaluation board liaison officers, to provide advice, counsel, and general information to such members on the operation of physical evaluation boards operated by that Secretary; and

“(B) standards and guidelines concerning the training of such physical evaluation board liaison officers.

“(2) The Secretary shall assess compliance by the Secretary of each military department with physical evaluation board liaison officer requirements and training standards and guidelines at least once every three years.

“(c) STANDARDIZED STAFF TRAINING AND OPERATIONS.—(1) The Secretary of Defense shall prescribe regulations on standards and guidelines concerning the physical evaluation board operated by each of the Secretaries of the military departments with regard to—

“(A) assignment and training of staff;

“(B) operating procedures; and

“(C) consistency and timeliness of board decisions.

“(2) The Secretary shall assess compliance with standards and guidelines prescribed under paragraph (1) by each physical evaluation board at least once every three years.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item: “1222. Physical evaluation boards.”.

(b) EFFECTIVE DATE.—Section 1222 of title 10, United States Code, as added by subsection (a), shall apply with respect to decisions rendered

on cases commenced more than 120 days after the date of the enactment of this Act.

SEC. 588. DEPARTMENT OF LABOR TRANSITIONAL ASSISTANCE PROGRAM.

(a) **REQUIRED PARTICIPATION FOR CERTAIN MEMBERS.**—Subsection (c) of section 1144 of title 10, United States Code, is amended to read as follows:

“(c) **PARTICIPATION.**—(1) Except as provided in paragraph (2), the Secretary of Defense shall require participation by members of the armed forces eligible for assistance under the program carried out under this section.

“(2) The Secretary of Defense need not require, but shall encourage and otherwise promote, participation in the program by the following members described in paragraph (1):

“(A) A member who has previously participated in the program.

“(B) A member who, upon discharge or release from active duty, is returning to—

“(i) a position of employment; or

“(ii) pursuit of an academic degree or other educational or occupational training objective that the members was pursuing when called or ordered to such active duty.

“(3) Members of the armed forces eligible for assistance under this section include—

“(A) members of the reserve components being separated from service on active duty for a period of more than 30 days; and

“(B) members of the National Guard being separated from full-time National Guard duty.

“(4) The Secretary concerned shall ensure that commanders of members who are required to be provided assistance under this section authorize the members to be provided such assistance during duty time.”.

(b) **REQUIRED UPDATING OF MATERIALS.**—Such section is further amended by adding at the end the following new subsection:

“(e) **UPDATING OF MATERIALS.**—The Secretary concerned shall, on a continuing basis, update the content of the materials used by the National Veterans Training Institute of the Department of Labor and the Secretary’s other materials that provide direct training support to personnel who carry out the program established in this section.”.

SEC. 589. REVISION IN GOVERNMENT CONTRIBUTIONS TO MEDICARE-ELIGIBLE RETIREE HEALTH CARE FUND.

(a) **MEDICARE ELIGIBLE RETIREE HEALTH CARE FUND.**—Section 1111 of title 10, United States Code, is amended—

(1) in subsection (a), by striking “of the Department of Defense”;

(2) in subsection (b), by adding at the end of the following new paragraph:

“(5) The term ‘members of the uniformed services on active duty’ does not include a cadet at the United States Military Academy, the United States Air Force Academy, or the Coast Guard Academy or a midshipman at the United States Naval Academy.”; and

(3) in the last sentence of subsection (c)—

(A) by striking “Secretary of Defense” and inserting “Secretary of the Treasury”; and

(B) by striking “section 1116(a)” and inserting “section 1116 of this title”.

(b) **DETERMINATION OF CONTRIBUTIONS TO THE FUND.**—Section 1115 of such title is amended—

(1) in the last sentence of subsection (a)—

(A) by inserting “by the Secretary of the Treasury” after “Contributions to the Fund”; and

(B) by striking “section 1116(c)” and inserting “section 1116(a)(1)”.

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking the first sentence and inserting the following: “The Secretary of the Treasury, based on data provided by the Secretary of Defense, shall determine, before the beginning of each fiscal year, the amount that the Secretary of the Treasury shall contribute to the Fund during that fiscal year under section 1116(a)(2) of this title.”;

(B) in paragraph (1)(B), by inserting before the period at the end the following: “, but excluding any member who would be excluded for active-duty end strength purposes by section 115(I) of this title”; and

(C) in paragraph (2)(B)—

(I) by striking “Ready Reserve” and inserting “Selected Reserve”; and

(ii) by striking “(other than members on full-time National Guard duty other than for training)”;

(3) in subsection (c)—

(A) in paragraph (1)(A), by inserting before the semicolon the following: “, but excluding any member who would be excluded for active-duty end strength purposes by section 115(I) of this title”;

(B) in paragraph (1)(B)—

(I) by striking “Ready Reserve” and inserting “Selected Reserve”; and

(ii) by striking “(other than members on full-time National Guard duty other than for training)”;

(C) in paragraph (5), by inserting after “(5)” the following new sentence: “The Secretary of Defense, before the beginning of each fiscal year, shall promptly provide data to the Secretary of the Treasury regarding the actuarial valuations conducted under this subsection that would affect the contributions of the Secretary of the Treasury to the Fund for that fiscal year.”.

(c) **PAYMENTS INTO THE FUND.**—Section 1116 of such title is amended—

(1) in the matter in subsection (a) preceding paragraph (1)—

(A) by striking “after September 30, 2005”; and

(B) by striking “Treasury—” and inserting “Treasury the following.”;

(2) by redesignating paragraph (2) of subsection (a) as paragraph (3);

(3) by striking paragraph (1) of subsection (a) and inserting the following:

“(1) The amount determined to be required as the contribution to the Fund under subsection (a) of section 1115 of this title.

“(2) The amount determined to be required as the contribution to the Fund under subsection (b) of section 1115 of this title.”;

(4) in paragraph (3) of subsection (a) (as redesignated by paragraph (2)), by capitalizing the first letter of the first word;

(5) by transferring paragraphs (3), (4), and (5) of subsection (b) to the end of subsection (a) and redesignating those paragraphs as paragraphs (4), (5), and (6), respectively; and

(6) by striking subsection (b) (as amended by paragraph (5)) and subsections (c) and (d) and inserting the following new subsection (b):

“(b) No funds authorized or appropriated to the Department of Defense may be used to fund, or otherwise provide for, the payments required by this section.”.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall take effect with respect to payments under chapter 56 of title 10, United States Code, beginning with fiscal year 2008.

SEC. 590. MILITARY CHAPLAINS.

(a) **UNITED STATES ARMY.**—Section 3547 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(c) Each chaplain shall have the prerogative to pray according to the dictates of the chaplain’s own conscience, except as must be limited by military necessity, with any such limitation being imposed in the least restrictive manner feasible.”.

(b) **UNITED STATES MILITARY ACADEMY.**—Section 4337 of such title is amended—

(1) by inserting “(a)” before “There”; and

(2) by adding at the end the following new subsection:

“(b) The Chaplain shall have the prerogative to pray according to the dictates of the Chaplain’s conscience, except as must be limited by military necessity, with any such limitation

being imposed in the least restrictive manner feasible.”.

(c) **UNITED STATES NAVY AND MARINE CORPS.**—Section 6031 of such title is amended by adding at the end the following new subsection:

“(d) Each chaplain shall have the prerogative to pray according to the dictates of the chaplain’s own conscience, except as must be limited by military necessity, with any such limitation being imposed in the least restrictive manner feasible.”.

(d) **UNITED STATES AIR FORCE.**—Section 8547 of such title is amended by adding at the end the following new subsection:

“(c) Each chaplain shall have the prerogative to pray according to the dictates of the chaplain’s own conscience, except as must be limited by military necessity, with any such limitation being imposed in the least restrictive manner feasible.”.

(e) **UNITED STATES AIR FORCE ACADEMY.**—Section 9337 of such title is amended—

(1) by inserting “(a)” before “There”; and

(2) by adding at the end the following new subsection:

“(b) The Chaplain shall have the prerogative to pray according to the dictates of the Chaplain’s conscience, except as must be limited by military necessity, with any such limitation being imposed in the least restrictive manner feasible.”.

SEC. 591. REPORT ON PERSONNEL REQUIREMENTS FOR AIRBORNE ASSETS IDENTIFIED AS LOW-DENSITY, HIGH-DEMAND AIRBORNE ASSETS.

(a) **REPORT REQUIRED.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on personnel requirements for airborne assets identified as Low-Density, High-Demand Airborne Assets based on combatant commander requirements to conduct and sustain operations for the global war on terrorism.

(b) **MATTER TO BE INCLUDED.**—The report shall include the following for each airborne asset identified as a Low-Density, High-Demand Airborne Asset:

(1) The numbers of operations and maintenance crews to meet tasking contemplated to conduct operations for the global war on terrorism.

(2) The current numbers of operations and maintenance crews.

(3) If applicable, shortages of operations and maintenance crews.

(4) Whether such shortages are addressed in the future-years defense program.

(5) Whether end-strength increases are required to meet any such shortages.

(6) Costs of personnel needed to address shortfalls.

(7) If applicable, the number and types of equipment needed to address training shortfalls.

SEC. 592. ENTREPRENEURIAL SERVICE MEMBERS EMPOWERMENT TASK FORCE.

(a) **ESTABLISHMENT.**—The Secretary of Defense, in coordination with the Administrator of the Small Business Administration, shall establish a task force to provide timely input to the Secretary and the Administrator with respect to—

(1) measures that would improve the programs and activities of the Department and the Administration that are designed to address the economic concerns, as well as the business challenges and opportunities, of entrepreneurial service members; and

(2) measures that would improve the coordination of the programs and activities relating to entrepreneurial service members conducted by—

(A) the National Committee for Employer Support of the National Guard and Reserve;

(B) Veterans Business Outreach Centers;

(C) Federal procurement entities; and

(D) any other elements within, or affiliates of, the Department of Defense or the Small Business Administration.

(b) **PLAN.**—The task force shall develop within 90 days after its first meeting, and revise as appropriate thereafter, a plan for carrying out the duty under subsection (a).

(c) **CONSULTATION.**—In carrying out the duty under subsection (a), the task force shall consult with appropriate Federal, State, and local agencies and appropriate elements of the private sector, including academic institutions and industry representatives.

(d) **COMPOSITION.**—

(1) **CO-CHAIRS.**—The task force shall have two co-chairs, one an officer or employee of the Department of Defense assigned by the Secretary, and one an officer or employee of the Small Business Administration assigned by the Administrator. The initial assignments shall be made within 60 days after the date of the enactment of this Act.

(2) **OTHER MEMBERS.**—The Secretary, in coordination with the Administrator, shall appoint the remaining task force members, numbering not less than 8 and not more than 15. The selections shall be made within 120 days after the date of the enactment of this Act. The Secretary, in coordination with the Administrator, shall ensure that the task force includes individuals from both public service and the private sector, and that each of the following groups is represented on the task force:

(A) Entrepreneurial service members who are owners of small businesses.

(B) Small businesses that employ entrepreneurial service members as essential employees.

(C) Associations that further the interests of small businesses, members of the reserve components of the Armed Forces, or both.

(D) Any other entities that the Secretary, in coordination with the Administrator, considers appropriate.

(3) **COMPENSATION.**—An individual serving as a member of the task force shall not receive compensation by reason of that service.

(e) **MEETINGS.**—

(1) **FREQUENCY.**—The task force shall meet not less frequently than twice per year. The initial meeting shall be held within 150 days after the date of the enactment of this Act.

(2) **QUORUM.**—A majority of the members of the task force shall constitute a quorum.

(f) **REPORTS.**—The task force shall provide to the Secretary and the Administrator not only the minutes of each meeting, but also a report of its findings and recommendations, should there be any, within 90 days of each meeting. Not later than 60 days after the receipt of such a report—

(1) the Secretary shall submit a copy of the report to the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate; and

(2) the Administrator shall submit a copy of the report to the Committee on Small Business of the House of Representatives and the Committee on Small Business and Entrepreneurship of the Senate.

(g) **DETAIL OF CERTAIN FEDERAL EMPLOYEES.**—The Secretary may detail an officer or employee of the Department of Defense, and the Administrator may detail an officer or employee of the Small Business Administration, to the task force without additional reimbursement and without interruption or loss of civil status or privilege.

(h) **EXPENSES.**—The Department of Defense and the Small Business Administration shall share equally in the cost of supporting the task force.

(i) **DEFINITION.**—In this section, the term “entrepreneurial service member” means an individual who is both—

(1) an actual or prospective owner of, or an essential employee of, a small business; and

(2) a member of a reserve component of the Armed Forces.

(j) **TERMINATION.**—The task force shall terminate September 30, 2009.

SEC. 593. COMPTROLLER GENERAL REPORT ON MILITARY CONSCIENTIOUS OBJECTORS.

(a) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report concerning the frequency and consequences of members of the Armed Forces claiming status as a military conscientious objector between January 1, 1989, and December 31, 2006.

(b) **CONTENT OF REPORT.**—The report shall specifically address the following:

(1) The number of all applications for status as a military conscientious objector, even if the application was not acted on or other discharge given, broken down by military branch, including the Coast Guard, and regular and reserve components.

(2) Number of discharges or reassignments given.

(3) The process used to consider applications, including average time frame and any reassignment to non-combatant duties while claim pending.

(4) Reasons for approval or disapproval of applications.

(5) Any difference in benefits upon discharge as a military conscientious objector compared to other discharges.

(6) The effect of stop loss provisions in First Gulf War and currently, cancellation of orders to combat or rear attachment duty while claim pending.

(7) Pre-war statistical comparisons.

SEC. 594. COMMISSION ON THE NATIONAL GUARD AND RESERVES.

(a) **SIX-MONTH EXTENSION OF COMMISSION.**—Subsection (f)(2) of section 513 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375; 118 Stat. 1882) is amended by striking “one year” and inserting “18 months”.

(b) **ADDITIONAL MATTERS TO BE REVIEWED BY COMMISSION.**—The Commission on the National Guard and Reserves shall include among the matters it studies (in addition to the matters specified in subsection (c) of such section 513) the following:

(1) **PROVISIONS OF H.R. 5200, 109TH CONGRESS.**—The advisability and feasibility of implementing the provisions of H.R. 5200 of the 109th Congress, as introduced in the House of Representatives on April 26, 2006.

(2) **CHIEF OF NATIONAL GUARD BUREAU.**—As an alternative to implementation of the provisions of the bill specified in paragraph (1) that provide for the Chief of the National Guard Bureau to be a member of the Joint Chiefs of Staff and to hold the grade of general, the advisability and feasibility of providing for the Chief of the National Guard Bureau to hold the grade of general in the performance of the current duties of that office.

(3) **NATIONAL GUARD EQUIPMENT AND FUNDING REQUIREMENTS.**—The adequacy of the Department of Defense processes for defining the equipment and funding necessary for the National Guard to conduct both its responsibilities under title 10, United States Code, and its responsibilities under title 32, United States Code, including homeland defense and related homeland missions, including as part of such study—

(A) consideration of the extent to which those processes should be developed taking into consideration the views of the Chief of the National Guard Bureau, as well as the views of the 54 Adjutant Generals and the views of the Chiefs of the Army National Guard and the Air Guard; and

(B) whether there should be an improved means by which National Guard equipment requirements are validated by the Joint Chiefs of Staff and are considered for funding by the Secretaries of the Army and Air Force.

(c) **PRIORITY REVIEW AND REPORT.**—

(1) **PRIORITY REVIEW.**—The Commission on the National Guard and Reserves shall carry out its

study of the matters specified in paragraphs (1) and (2) of subsection (b) on a priority basis, with a higher priority for matters under those paragraphs relating to the grade and functions of the Chief of the National Guard Bureau.

(2) **REPORT.**—In addition to the reports required under subsection (f) of section 513 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375; 118 Stat. 1882), the Commission shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives an interim report, not later than March 1, 2007, specifically on the matters covered by paragraph (1). In such report, the Commission shall set forth its findings and any recommendations it considers appropriate with respect to those matters.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

Sec. 601. Increase in basic pay for fiscal year 2007.

Sec. 602. Targeted increase in basic pay rates.

Sec. 603. Conforming change in general and flag officer pay cap to reflect increase in pay cap for Senior Executive Service personnel.

Sec. 604. Availability of second basic allowance for housing for certain reserve component or retired members serving in support of contingency operations.

Sec. 605. Extension of temporary continuation of housing allowance for dependents of members dying on active duty to spouses who are also members.

Sec. 606. Clarification of effective date of prohibition on compensation for correspondence courses.

Sec. 607. Payment of full premium for coverage under Servicemembers' Group Life Insurance program during service in Operation Enduring Freedom or Operation Iraqi Freedom.

Subtitle B—Bonuses and Special and Incentive Pays

Sec. 611. Extension of certain bonus and special pay authorities for reserve forces.

Sec. 612. Extension of bonus and special pay authorities for health care professionals.

Sec. 613. Extension of special pay and bonus authorities for nuclear officers.

Sec. 614. Extension of other bonus, special pay, and separation pay authorities.

Sec. 615. Expansion of eligibility of dental officers for additional special pay.

Sec. 616. Increase in maximum annual rate of special pay for Selected Reserve health care professionals in critically short wartime specialties.

Sec. 617. Authority to provide lump sum payment of nuclear officer incentive pay.

Sec. 618. Increase in maximum amount of nuclear career accession bonus.

Sec. 619. Increase in maximum amount of incentive bonus for transfer between armed forces.

Sec. 620. Clarification regarding members of the Army eligible for bonus for referring other persons for enlistment in the Army.

Sec. 621. Pilot program for recruitment bonus for critical health care specialties.

Sec. 622. Enhancement of temporary program of voluntary separation pay and benefits.

Sec. 623. Additional authorities and incentives to encourage retired members and reserve component members to volunteer to serve on active duty in high-demand, low-density assignments.

Subtitle C—Travel and Transportation Allowances

Sec. 631. Authority to pay costs associated with delivery of motor vehicle to storage location selected by member and subsequent removal of vehicle.

Sec. 632. Transportation of additional motor vehicle of members on change of permanent station to or from non-foreign areas outside the continental United States.

Sec. 633. Travel and transportation allowances for transportation of family members incident to illness or injury of members.

Subtitle D—Retired Pay and Survivor Benefits

Sec. 641. Military Survivor Benefit Plan beneficiaries under insurable interest coverage.

Sec. 642. Retroactive payment of additional death gratuity for certain members not previously covered.

Sec. 643. Equity in computation of disability retired pay for reserve component members wounded in action.

Subtitle E—Commissary and Nonappropriated Fund Instrumentality Benefits

Sec. 651. Treatment of price surcharges of tobacco products and certain other merchandise sold at commissary stores.

Sec. 652. Limitation on use of Department of Defense lease authority to undermine commissaries and exchanges and other morale, welfare, and recreation programs and non-appropriated fund instrumentalities.

Sec. 653. Use of nonappropriated funds to supplement or replace appropriated funds for construction of facilities of exchange stores system and other nonappropriated fund instrumentalities, military lodging facilities, and community facilities.

Sec. 654. Report on cost effectiveness of purchasing commercial insurance for commissary and exchange facilities and facilities of other morale, welfare, and recreation programs and nonappropriated fund instrumentalities.

Subtitle F—Other Matters

Sec. 661. Repeal of annual reporting requirement regarding effects of recruitment and retention initiatives.

Sec. 662. Pilot project regarding providing golf carts accessible for disabled persons at military golf courses.

Sec. 663. Enhanced authority to remit or cancel indebtedness of members of the Armed Forces incurred on active duty.

Subtitle A—Pay and Allowances

SEC. 601. INCREASE IN BASIC PAY FOR FISCAL YEAR 2007.

(a) WAIVER OF SECTION 1009 ADJUSTMENT.—The adjustment to become effective during fiscal year 2007 required by section 1009 of title 37, United States Code, in the rates of monthly basic pay authorized members of the uniformed services shall not be made.

(b) INCREASE IN BASIC PAY.—Effective on January 1, 2007, the rates of monthly basic pay for members of the uniformed services are increased by 2.7 percent.

SEC. 602. TARGETED INCREASE IN BASIC PAY RATES.

Effective on April 1, 2007, the rates of monthly basic pay for members of the uniformed services within each pay grade are as follows:

COMMISSIONED OFFICERS¹

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
O-10 ²	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
O-9	0.00	0.00	0.00	0.00	0.00
O-8	8,494.20	8,772.60	8,957.10	9,008.70	9,239.10
O-7	7,058.40	7,386.00	7,538.10	7,658.40	7,876.80
O-6	5,231.40	5,747.40	6,124.50	6,124.50	6,147.60
O-5	4,361.10	4,912.80	5,253.00	5,316.90	5,529.00
O-4	3,762.90	4,356.00	4,646.40	4,711.50	4,981.20
O-3 ³	3,308.40	3,750.60	4,048.20	4,413.60	4,624.50
O-2 ³	2,858.10	3,255.60	3,749.70	3,876.30	3,956.10
O-1 ³	2,481.30	2,582.40	3,121.80	3,121.80	3,121.80
	Over 8	Over 10	Over 12	Over 14	Over 16
O-10 ²	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
O-9	0.00	0.00	0.00	0.00	0.00
O-8	9,624.00	9,713.40	10,079.10	10,183.80	10,498.80
O-7	8,092.20	8,341.80	8,590.80	8,840.40	9,624.00
O-6	6,411.30	6,446.10	6,446.10	6,812.40	7,460.10
O-5	5,656.20	5,935.20	6,140.10	6,404.40	6,809.70
O-4	5,270.40	5,630.10	5,911.20	6,105.90	6,217.80
O-3 ³	4,856.70	5,007.00	5,253.90	5,382.30	5,382.30
O-2 ³	3,956.10	3,956.10	3,956.10	3,956.10	3,956.10
O-1 ³	3,121.80	3,121.80	3,121.80	3,121.80	3,121.80
	Over 18	Over 20	Over 22	Over 24	Over 26
O-10 ²	\$0.00	\$13,725.90	\$13,793.10	\$14,079.90	\$14,579.70
O-9	0.00	12,005.10	12,177.60	12,427.80	12,863.70
O-8	10,954.20	11,374.50	11,655.00	11,655.00	11,655.00
O-7	10,286.10	10,286.10	10,286.10	10,286.10	10,338.30
O-6	7,840.20	8,220.00	8,436.30	8,655.00	9,080.10
O-5	7,002.30	7,192.80	7,409.10	7,409.10	7,409.10
O-4	6,282.90	6,282.90	6,282.90	6,282.90	6,282.90
O-3 ³	5,382.30	5,382.30	5,382.30	5,382.30	5,382.30
O-2 ³	3,956.10	3,956.10	3,956.10	3,956.10	3,956.10
O-1 ³	3,121.80	3,121.80	3,121.80	3,121.80	3,121.80

¹ Notwithstanding the basic pay rates specified in this table, the actual rate of basic pay for commissioned officers in pay grades O-7 through O-10 may not exceed the rate of pay for level II of the Executive Schedule and the actual rate of basic pay for all other officers may not exceed the rate of pay for level V of the Executive Schedule.

² Subject to the preceding footnote, while serving as Chairman or Vice Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, Commandant of the Coast Guard, or commander of a unified or specified combatant command (as defined in section 161(c) of title 10, United States Code, basic pay for this grade is \$16,037.40, regardless of cumulative years of service computed under section 205 of title 37, United States Code.

³ This table does not apply to commissioned officers in pay grade O-1, O-2, or O-3 who have been credited with over 4 years of active duty service as an enlisted member or warrant officer.

COMMISSIONED OFFICERS WITH OVER 4 YEARS OF ACTIVE DUTY SERVICE AS AN ENLISTED MEMBER OR WARRANT OFFICER

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
O-3E	\$0.00	\$0.00	\$0.00	\$4,413.60	\$4,624.50
O-2E	0.00	0.00	0.00	3,876.30	3,956.10
O-1E	0.00	0.00	0.00	3,121.80	3,333.90

COMMISSIONED OFFICERS WITH OVER 4 YEARS OF ACTIVE DUTY SERVICE AS AN ENLISTED MEMBER OR WARRANT OFFICER—Continued

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
	Over 8	Over 10	Over 12	Over 14	Over 16
0–3E	\$4,856.70	\$5,007.00	\$5,253.90	\$5,462.10	\$5,581.20
0–2E	4,082.10	4,294.20	4,458.90	4,581.00	4,581.00
0–1E	3,456.90	3,582.90	3,706.80	3,876.30	3,876.30
	Over 18	Over 20	Over 22	Over 24	Over 26
0–3E	\$5,743.80	\$5,743.80	\$5,743.80	\$5,743.80	\$5,743.80
0–2E	4,581.00	4,581.00	4,581.00	4,581.00	4,581.00
0–1E	3,876.30	3,876.30	3,876.30	3,876.30	3,876.30

WARRANT OFFICERS¹

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
W–5	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
W–4	3,418.80	3,677.70	3,783.60	3,887.40	4,066.20
W–3	3,122.10	3,252.30	3,385.50	3,429.60	3,569.40
W–2	2,762.70	3023.40	3,104.40	3,159.90	3,338.70
W–1	2,425.20	2,685.00	2,756.40	2,904.30	3,080.10
	Over 8	Over 10	Over 12	Over 14	Over 16
W–5	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
W–4	4,242.90	4,422.30	4,691.40	4,927.80	5152.80
W–3	3,843.90	4,130.10	4,265.40	4,421.40	4,582.20
W–2	3,616.80	3,754.80	3,890.70	4,056.60	4,186.20
W–1	3,337.80	3,458.40	3,627.00	3,792.90	3,922.80
	Over 18	Over 20	Over 22	Over 24	Over 26
W–5	\$0.00	\$6,078.30	\$6,386.10	\$6,615.60	\$6,869.70
W–4	5,336.40	5,516.10	5,779.50	5,995.80	6,242.70
W–3	4,870.50	5,065.80	5,181.90	5,306.40	5,475.30
W–2	4,303.80	4,444.20	4,536.90	4,611.30	4,611.30
W–1	4,042.80	4,188.90	4,188.90	4,188.90	4,188.90

¹ Notwithstanding the basic pay rates specified in this table, the actual rate of basic pay for warrant officers may not exceed the rate of pay for level V of the Executive Schedule.

ENLISTED MEMBERS¹

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
E–9 ²	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
E–8	0.00	0.00	0.00	0.00	0.00
E–7	2,350.50	2,565.60	2,663.70	2,794.20	2,895.60
E–6	2,033.10	2,236.80	2,335.80	2,431.50	2,531.70
E–5	1,863.00	1,987.50	2,083.50	2,181.90	2,335.20
E–4	1,707.90	1,795.20	1,892.40	1,988.10	2,073.00
E–3	1,541.70	1,638.90	1,737.60	1,737.60	1,737.60
E–2	1,465.80	1,465.80	1,465.80	1,465.80	1,465.80
E–1 ³	1,308.00	1,308.00	1,308.00	1,308.00	1,308.00
	Over 8	Over 10	Over 12	Over 14	Over 16
E–9 ²	\$0.00	\$4,130.70	\$4,224.30	\$4,342.50	\$4,481.40
E–8	3,381.30	3,531.00	3,623.70	3,734.40	3,854.70
E–7	3,070.20	3,168.30	3,326.70	3,471.00	3,569.70
E–6	2,757.60	2,845.20	3,000.00	3,051.90	3,089.70
E–5	2,483.70	2,613.90	2,630.10	2,630.10	2,630.10
E–4	2,073.00	2,073.00	2,073.00	2,073.00	2,073.00
E–3	1,737.60	1,737.60	1,737.60	1,737.60	1,737.60
E–2	1,465.80	1,465.80	1,465.80	1,465.80	1,465.80
E–1 ³	1,308.00	1,308.00	1,308.00	1,308.00	1,308.00
	Over 18	Over 20	Over 22	Over 24	Over 26
E–9 ²	\$4,620.90	\$4,845.30	\$5,034.60	\$5,234.70	\$5,539.50
E–8	4,071.60	4,181.40	4,368.60	4,472.40	4,727.70
E–7	3,674.40	3,715.50	3,852.00	3,944.40	4,224.60
E–6	3,133.50	3,133.50	3,133.50	3,133.50	3,133.50
E–5	2,630.10	2,630.10	2,630.10	2,630.10	2,630.10
E–4	2,073.00	2,073.00	2,073.00	2,073.00	2,073.00
E–3	1,737.60	1,737.60	1,737.60	1,737.60	1,737.60
E–2	1,465.80	1,465.80	1,465.80	1,465.80	1,465.80
E–1 ³	1,308.00	1,308.00	1,308.00	1,308.00	1,308.00

¹ Notwithstanding the pay rates specified in this table, the actual basic pay for enlisted members may not exceed the rate of pay for level V of the Executive Schedule.

² Subject to the preceding footnote, the rate of basic pay for an enlisted member in this grade while serving as Sergeant Major of the Army, Master Chief Petty Officer of the Navy, Chief Master Sergeant of the Air Force, Sergeant Major of the Marine Corps, Master Chief Petty Officer of the Coast Guard, or Senior Enlisted Advisor to the Chairman of the Joint Chiefs of Staff is \$6,675.00, regardless of cumulative years of service computed under section 205 of title 37, United States Code.

³ In the case of members in pay grade E–1 who have served less than 4 months on active duty, the rate of basic pay is \$1,209.90.

SEC. 603. CONFORMING CHANGE IN GENERAL AND FLAG OFFICER PAY CAP TO REFLECT INCREASE IN PAY CAP FOR SENIOR EXECUTIVE SERVICE PERSONNEL.

(a) INCREASE.—Section 203(a)(2) of title 37, United States Code, is amended by striking “level III of the Executive Schedule” and inserting “level II of the Executive Schedule”.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on October 1, 2006.

SEC. 604. AVAILABILITY OF SECOND BASIC ALLOWANCE FOR HOUSING FOR CERTAIN RESERVE COMPONENT OR RETIRED MEMBERS SERVING IN SUPPORT OF CONTINGENCY OPERATIONS.

Section 403(g) of title 37, United States Code, is amended—

(1) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively; (2) by inserting after paragraph (1) the following new paragraph (2):

“(2) The Secretary concerned may provide a basic allowance for housing to a member described in paragraph (1) at a monthly rate equal to the rate of the basic allowance for housing established under subsection (b) or the overseas basic allowance for housing established under subsection (c), whichever applies to the location at which the member is serving, for members in the same grade at that location without dependents. The member may receive both a basic allowance for housing under paragraph (1) and under this paragraph for the same month, but may not receive the portion of the allowance authorized under section 404 of this title, if any, for lodging expenses if a basic allowance for housing is provided under this paragraph.”; and

(3) in paragraph (3), as so redesignated, by striking “Paragraph (1)” and inserting “Paragraphs (1) and (2)”.

SEC. 605. EXTENSION OF TEMPORARY CONTINUATION OF HOUSING ALLOWANCE FOR DEPENDENTS OF MEMBERS DYING ON ACTIVE DUTY TO SPOUSES WHO ARE ALSO MEMBERS.

(a) EXTENSION.—Section 403(l) of title 37, United States Code, is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following new paragraph:

“(3) An allowance may be paid under paragraph (2) to the spouse of the deceased member even though the spouse is also a member of the uniformed services. The allowance paid under such paragraph is in addition to any other pay and allowances to which the spouse is entitled as a member.”.

(b) EFFECTIVE DATE.—

(1) GENERAL RULE.—The amendments made by subsection (a) shall take effect on October 1, 2006.

(2) TRANSITIONAL RULE.—After October 1, 2006, the Secretary of Defense, and the Secretary of Homeland Security in the case of the Coast Guard, may pay the allowance authorized by section 403(l)(2) of title 37, United States Code, to a member of the uniformed services who is the spouse of a member who died on active duty during the one-year period ending on that date, except that the payment of the allowance must terminate within 365 days after the date of the member's death.

SEC. 606. CLARIFICATION OF EFFECTIVE DATE OF PROHIBITION ON COMPENSATION FOR CORRESPONDENCE COURSES.

Section 206(d) of title 37, United States Code, is amended by adding at the end the following new paragraph:

“(3) The prohibition in paragraph (1), including the prohibition as it relates to a member of the National Guard while not in Federal service, applies to—

“(A) any work or study performed on or after September 7, 1962, unless that work or study is

specifically covered by the exception in paragraph (2); and

“(B) any claim based on that work or study arising after that date.”.

SEC. 607. PAYMENT OF FULL PREMIUM FOR COVERAGE UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE PROGRAM DURING SERVICE IN OPERATION ENDURING FREEDOM OR OPERATION IRAQI FREEDOM.

(a) ENHANCED ALLOWANCE TO COVER SGLI DEDUCTIONS.—Subsection (a)(1) of section 437 of title 37, United States Code, is amended by striking “for the first \$150,000” and all that follows through “of such title” and inserting “for the amount of Servicemembers' Group Life Insurance coverage held by the member under section 1967 of such title”.

(b) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in subsection (a)—

(A) by striking “(1)” before “in the case of”; and

(B) by striking paragraph (2);

(2) by striking subsection (b); and

(3) by redesignating subsection (c) as subsection (b) and in paragraph (2) of that subsection by striking “coverage amount specified in subsection (a)(1) or in effect pursuant to subsection (b),” and inserting “maximum coverage amount available for such insurance.”.

(c) CLERICAL AMENDMENTS.—The heading for such section, and the item relating to such section in the table of sections at the beginning of chapter 7 of such title, are each amended by striking the fourth and fifth words.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first month beginning on or after the date of the enactment of this Act and shall apply with respect to service by members of the Armed Forces in the theater of operations for Operation Enduring Freedom or Operation Iraqi Freedom for months beginning on or after that date.

(e) FUNDING SOURCE.—Of the amounts authorized to be appropriated to the Department of Defense for military personnel accounts as emergency supplemental appropriations for fiscal years 2006 and 2007 to provide funds for additional costs due to Operation Iraqi Freedom and Operation Enduring Freedom, \$31,000,000 shall be available to cover the additional costs incurred to implement the amendments made by this section.

Subtitle B—Bonuses and Special and Incentive Pays

SEC. 611. EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR RESERVE FORCES.

(a) SELECTED RESERVE REENLISTMENT BONUS.—Section 308b(g) of title 37, United States Code, is amended by striking “December 31, 2006” and inserting “December 31, 2007”.

(b) SELECTED RESERVE AFFILIATION OR ENLISTMENT BONUS.—Section 308c(i) of such title is amended by striking “December 31, 2006” and inserting “December 31, 2007”.

(c) SPECIAL PAY FOR ENLISTED MEMBERS ASSIGNED TO CERTAIN HIGH PRIORITY UNITS.—Section 308d(c) of such title is amended by striking “December 31, 2006” and inserting “December 31, 2007”.

(d) READY RESERVE ENLISTMENT BONUS FOR PERSONS WITHOUT PRIOR SERVICE.—Section 308g(h)(2) of such title is amended by striking “December 31, 2006” and inserting “December 31, 2007”.

(e) READY RESERVE ENLISTMENT AND REENLISTMENT BONUS FOR PERSONS WITH PRIOR SERVICE.—Section 308h(e) of such title is amended by striking “December 31, 2006” and inserting “December 31, 2007”.

(f) SELECTED RESERVE ENLISTMENT BONUS FOR PERSONS WITH PRIOR SERVICE.—Section 308i(f) of such title is amended by striking “December 31, 2006” and inserting “December 31, 2007”.

SEC. 612. EXTENSION OF BONUS AND SPECIAL PAY AUTHORITIES FOR HEALTH CARE PROFESSIONALS.

(a) NURSE OFFICER CANDIDATE ACCESSION PROGRAM.—Section 2130a(a)(1) of title 10, United States Code, is amended by striking “December 31, 2006” and inserting “December 31, 2007”.

(b) REPAYMENT OF EDUCATION LOANS FOR CERTAIN HEALTH PROFESSIONALS WHO SERVE IN THE SELECTED RESERVE.—Section 16302(d) of such title is amended by striking “January 1, 2007” and inserting “January 1, 2008”.

(c) ACCESSION BONUS FOR REGISTERED NURSES.—Section 302d(a)(1) of title 37, United States Code, is amended by striking “December 31, 2006” and inserting “December 31, 2007”.

(d) INCENTIVE SPECIAL PAY FOR NURSE ANESTHETISTS.—Section 302e(a)(1) of such title is amended by striking “December 31, 2006” and inserting “December 31, 2007”.

(e) SPECIAL PAY FOR SELECTED RESERVE HEALTH PROFESSIONALS IN CRITICALLY SHORT WARTIME SPECIALTIES.—Section 302g(e) of such title is amended by striking “December 31, 2006” and inserting “December 31, 2007”.

(f) ACCESSION BONUS FOR DENTAL OFFICERS.—Section 302h(a)(1) of such title is amended by striking “December 31, 2006” and inserting “December 31, 2007”.

(g) ACCESSION BONUS FOR PHARMACY OFFICERS.—Section 302j(a) of such title is amended by striking “December 31, 2006” and inserting “December 31, 2007”.

SEC. 613. EXTENSION OF SPECIAL PAY AND BONUS AUTHORITIES FOR NUCLEAR OFFICERS.

(a) SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFICERS EXTENDING PERIOD OF ACTIVE SERVICE.—Section 312(e) of title 37, United States Code, is amended by striking “December 31, 2006” and inserting “December 31, 2007”.

(b) NUCLEAR CAREER ACCESSION BONUS.—Section 312b(c) of such title is amended by striking “December 31, 2006” and inserting “December 31, 2007”.

(c) NUCLEAR CAREER ANNUAL INCENTIVE BONUS.—Section 312c(d) of such title is amended by striking “December 31, 2006” and inserting “December 31, 2007”.

SEC. 614. EXTENSION OF OTHER BONUS, SPECIAL PAY, AND SEPARATION PAY AUTHORITIES.

(a) AVIATION OFFICER RETENTION BONUS.—Section 301b(a) of title 37, United States Code, is amended by striking “December 31, 2006” and inserting “December 31, 2007”.

(b) ASSIGNMENT INCENTIVE PAY.—Section 307a(g) of such title is amended by striking “December 31, 2007” and inserting “December 31, 2008”.

(c) REENLISTMENT BONUS FOR ACTIVE MEMBERS.—Section 308(g) of such title is amended by striking “December 31, 2006” and inserting “December 31, 2007”.

(d) ENLISTMENT BONUS FOR ACTIVE MEMBERS.—Section 309(e) of such title is amended by striking “December 31, 2006” and inserting “December 31, 2007”.

(e) RETENTION BONUS FOR MEMBERS WITH CRITICAL MILITARY SKILLS.—Section 323(i) of such title is amended by striking “December 31, 2006” and inserting “December 31, 2007”.

(f) ACCESSION BONUS FOR NEW OFFICERS IN CRITICAL SKILLS.—Section 324(g) of such title is amended by striking “December 31, 2006” and inserting “December 31, 2007”.

(g) MILITARY OCCUPATIONAL SPECIALTY CONVERSION INCENTIVE BONUS.—Section 326(g) of such title is amended by striking “December 31, 2006” and inserting “December 31, 2007”.

(h) TRANSFER BETWEEN ARMED FORCES INCENTIVE BONUS.—Section 327(h) of such title is amended by striking “December 31, 2006” and inserting “December 31, 2007”.

SEC. 615. EXPANSION OF ELIGIBILITY OF DENTAL OFFICERS FOR ADDITIONAL SPECIAL PAY.

(a) REPEAL OF INTERNSHIP AND RESIDENCY EXCEPTION.—Section 302b(a)(4) of title 37, United

States Code, is amended by striking the first sentence and inserting the following new sentence: "An officer who is entitled to variable special pay under paragraph (2) or (3) is also entitled to additional special pay for any 12-month period during which an agreement executed under subsection (b) is in effect with respect to the officer."

(b) **EFFECTIVE DATE.**—The amendment made by this section shall take effect on October 1, 2006.

SEC. 616. INCREASE IN MAXIMUM ANNUAL RATE OF SPECIAL PAY FOR SELECTED RESERVE HEALTH CARE PROFESSIONALS IN CRITICALLY SHORT WARTIME SPECIALTIES.

(a) **INCREASE.**—Section 302(a) of title 37, United States Code, is amended by striking "\$10,000" and inserting "\$25,000".

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect on October 1, 2006.

SEC. 617. AUTHORITY TO PROVIDE LUMP SUM PAYMENT OF NUCLEAR OFFICER INCENTIVE PAY.

(a) **LUMP SUM PAYMENT OPTION.**—Subsection (a) of section 312 of title 37, United States Code, is amended in the matter after paragraph (3)—

(1) by striking "in equal annual installments" and inserting "in a single lump-sum or in annual installments of equal or different amounts"; and

(2) by striking "with the number of installments being equal to the number of years covered by the contract plus one" and inserting "and, if the special pay will be paid in annual installments, the number of installments may not exceed the number of years covered by the agreement plus one".

(b) **CLERICAL AND CONFORMING AMENDMENTS.**—Such section is further amended—

(1) by redesignating subsections (b) through (e) as subsections (c) through (f), respectively;

(2) in subsection (a)—

(A) by striking "an officer" in the matter before paragraph (1) and inserting "the Secretary may pay special pay under subsection (b) to an officer";

(B) by striking the semicolon at the end of paragraph (3) and inserting a period;

(C) by striking "may, upon" and all that follows through "The Secretary of the Navy shall" and inserting the following:

"(b) **PAYMENT AMOUNT; PAYMENT OPTIONS.**—

(1) The total amount paid to an officer under an agreement under subsection (a) or (e)(1) may not exceed \$30,000 for each year of the active-service agreement. Amounts paid under the agreement are in addition to all other compensation to which the officer is entitled.

"(2) The Secretary shall";

(D) by striking "Upon acceptance of the agreement by the Secretary or his designee" and inserting the following:

"(3) Upon acceptance of an agreement under subsection (a) or (e)(1) by the Secretary";

(E) by striking "The Secretary (or his designee)" and inserting the following:

"(4) The Secretary";

(3) in subsection (c), as redesignated by paragraph (1), by striking "subsection (a) or subsection (d)(1)" and inserting "subsection (b) or (e)(1)"; and

(4) in the first sentence of subsection (e)(1), as redesignated by paragraph (1)—

(A) by striking "such subsection" and inserting "subsection (b)"; and

(B) by striking "that subsection" and inserting "this subsection".

(c) **STYLISTIC AMENDMENTS.**—Such section is further amended—

(1) in subsection (a), by inserting "SPECIAL PAY AUTHORIZED; ELIGIBILITY." after "(a)";

(2) in subsection (c), as redesignated by subsection (b)(1), by inserting "REPAYMENT." after "(c)";

(3) in subsection (d), as redesignated by subsection (b)(1), by inserting "RELATION TO SERVICE OBLIGATION." after "(d)";

(4) in subsection (e), as redesignated by subsection (b)(1), by inserting "NEW AGREEMENT." after "(e)"; and

(5) in subsection (f), as redesignated by subsection (b)(1), by inserting "DURATION OF AUTHORITY." after "(f)".

SEC. 618. INCREASE IN MAXIMUM AMOUNT OF NUCLEAR CAREER ACCESSION BONUS.

(a) **INCREASE.**—Section 312b(a)(1) of title 37, United States Code, is amended by striking "\$20,000" and inserting "\$30,000".

(b) **EFFECTIVE DATE.**—The amendment made by this section shall take effect on October 1, 2006.

SEC. 619. INCREASE IN MAXIMUM AMOUNT OF INCENTIVE BONUS FOR TRANSFER BETWEEN ARMED FORCES.

(a) **INCREASE.**—Section 327(d)(1) of title 37, United States Code, is amended by striking "\$2,500" and inserting "\$10,000".

(b) **EFFECTIVE DATE.**—The amendment made by this section shall take effect on October 1, 2006.

SEC. 620. CLARIFICATION REGARDING MEMBERS OF THE ARMY ELIGIBLE FOR BONUS FOR REFERRING OTHER PERSONS FOR ENLISTMENT IN THE ARMY.

Section 645(a) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3310) is amended—

(1) by striking "The Secretary" and inserting the following:

"(1) **IN GENERAL.**—The Secretary";

(2) by striking "whether in the regular component of the Army or in the Army National Guard or Army Reserve," and inserting "described in paragraph (2)"; and

(3) by adding at the end the following new paragraph:

"(2) **MEMBERS ELIGIBLE FOR BONUS.**—Subject

to subsection (c), the following members of the Army are eligible for a referral bonus under this section:

"(A) A member in the regular component of the Army.

"(B) A member of the Army National Guard.

"(C) A member of the Army Reserve.

"(D) A member of the Army in a retired status, including a member under 60 years of age who, but for age, would be eligible for retired pay."

SEC. 621. PILOT PROGRAM FOR RECRUITMENT BONUS FOR CRITICAL HEALTH CARE SPECIALTIES.

(a) **PILOT PROGRAM.**—Section 2121 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(e)(1) The Secretary of Defense may carry out a pilot program for payment of a recruitment incentive bonus to increase participation in the program. The Secretary shall prescribe regulations specifying the amount and terms of the bonus. The bonus shall be used to improve recruitment for critical health care specialties. A bonus under the pilot program shall be in addition to the stipend under subsection (d).

"(2) The amount prescribed under paragraph (1) for the bonus under the pilot program shall be determined by the Secretary.

"(3) The scope of the pilot program shall be limited to no more than 100 total participants in no more than five critical medical specialties. The program shall last no more than two years, beginning on the earlier of the date the first participant is selected or January 1, 2010."

(b) **REPORTS.**—The Secretary of Defense shall prepare a mid-term report and a final report on the findings and recommendations resulting from the pilot program. The Secretary shall submit those reports to the Committees on Armed Services of the Senate and the House of Representatives.

SEC. 622. ENHANCEMENT OF TEMPORARY PROGRAM OF VOLUNTARY SEPARATION PAY AND BENEFITS.

(a) **ONE-YEAR EXTENSION OF AUTHORITY.**—Section 1175a(k)(1) of title 10, United States Code, is amended by striking "December 31, 2008," and inserting "December 31, 2009".

(b) **EXPANSION OF ELIGIBLE MEMBERS.**—Section 643 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3306) is amended by striking subsection (b).

SEC. 623. ADDITIONAL AUTHORITIES AND INCENTIVES TO ENCOURAGE RETIRED MEMBERS AND RESERVE COMPONENT MEMBERS TO VOLUNTEER TO SERVE ON ACTIVE DUTY IN HIGH-DEMAND, LOW-DENSITY ASSIGNMENTS.

(a) **AUTHORITY TO OFFER INCENTIVE BONUS.**—Chapter 5 of title 37, United States Code, is amended by adding at the end the following new section:

"§329. Incentive bonus: retired members and reserve component members volunteering for high-demand, low-density assignments"

"(a) **INCENTIVE BONUS AUTHORIZED.**—The Secretary of Defense may pay a bonus under this section to a retired member or former member of the Army, Navy, Air Force, or Marine Corps or to a member of a reserve component of the Army, Navy, Air Force, or Marine Corps (who is not otherwise serving on active duty) who executes a written agreement to serve on active duty for a period specified in the agreement in an assignment intended to alleviate a high-demand, low-density military capability or in any other specialty designated by the Secretary as critical to meet wartime or peacetime requirements.

"(b) **MAXIMUM AMOUNT OF BONUS.**—A bonus under subsection (a) and any incentive developed under subsection (d) may not exceed \$50,000.

"(c) **METHODS OF PAYMENT.**—At the election of the Secretary, a bonus under subsection (a) and any incentive developed under subsection (d) shall be paid or provided—

"(1) when the member commences service on active duty; or

"(2) in annual installments in such amounts as may be determined by the Secretary.

"(d) **DEVELOPMENT OF ADDITIONAL INCENTIVES.**—(1) The Secretary may develop and provide to members referred to in subsection (a) additional incentives to encourage such members to return to active duty in assignments intended to alleviate a high-demand, low-density military capability or in others specialties designated by the Secretary as critical to meet wartime or peacetime requirements.

"(2) The provision of any incentive developed under this subsection shall be subject to an agreement, as required for bonuses under subsection (a).

"(3) Not later than 30 days before first offering any incentive developed under this subsection, the Secretary shall submit to the congressional defense committees a report that contains a description of that incentive and an explanation why a bonus under subsection (a) or other pay and allowances are not sufficient to alleviate the high-demand, low-density military capability or otherwise fill critical military specialties.

"(e) **RELATIONSHIP TO OTHER PAY AND ALLOWANCES.**—A bonus or other incentive paid or provided to a member under this section is in addition to any other pay and allowances to which the member is entitled.

"(f) **REPAYMENT.**—A member who does not complete the period of active duty specified in the agreement executed under subsection (a) or (d) shall be subject to the repayment provisions of section 303a(e) of this title.

"(g) **HIGH-DEMAND, LOW-DENSITY ASSIGNMENT DEFINED.**—In this section, the term 'high-demand, low-density military capability' means a combat, combat support or service support capability, unit, system, or occupational specialty that the Secretary determines has funding, equipment, or personnel levels that are substantially below the levels required to fully meet or sustain actual or expected operational requirements set by regional commanders.

“(h) REGULATIONS.—The Secretary of Defense may prescribe such regulations as the Secretary considers necessary to carry out this section.

“(i) TERMINATION OF AUTHORITY.—No agreement under subsection (a) or (d) may be entered into after December 31, 2010.”.

(b) TEMPORARY AUTHORITY TO ORDER RETIRED MEMBERS TO ACTIVE DUTY IN HIGH-DEMAND, LOW-DENSITY ASSIGNMENTS.—Section 688a of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking the first sentence and inserting the following new sentence: “The Secretary of a military department may order to active duty a retired member who agrees to serve on active duty in an assignment intended to alleviate a high-demand, low-density military capability or in any other specialty designated by the Secretary as critical to meet wartime or peacetime requirements.”; and

(B) in the second sentence, by striking “officer” both places it appears and inserting “member”;

(2) in subsection (b), by striking “an officer” and inserting “a member”;

(3) in subsection (c), by striking “500 officers” and inserting “1,000 members”;

(4) in subsection (d), by striking “officer” and inserting “member”;

(5) in subsection (e), by striking “Officers” and inserting “Retired members”;

(6) in subsection (f)—

(A) by striking “An officer” and inserting “A retired member”; and

(B) by striking “September 30, 2008” and inserting “December 31, 2010”; and

(7) by adding at the end the following new subsection:

“(g) HIGH-DEMAND, LOW-DENSITY ASSIGNMENT DEFINED.—In this section, the term ‘high-demand, low-density military capability’ means a combat, combat support or service support capability, unit, system, or occupational specialty that the Secretary of Defense determines has funding, equipment, or personnel levels that are substantially below the levels required to fully meet or sustain actual or expected operational requirements set by regional commanders.”.

(c) CLERICAL AMENDMENTS.—

(1) TITLE 37.—The table of sections at the beginning of chapter 5 of title 37, United States Code, is amended by adding at the end the following new item:

“329. Incentive bonus: retired members and reserve component members volunteering for high-demand, low-density assignments.”.

(2) TITLE 10.—(A) The heading of section 688a of title 10, United States Code, is amended to read as follows:

“§688a. Retired members: temporary authority to order to active duty in high-demand, low-density assignments”.

(B) The table of sections at the beginning of chapter 39 of such title is amended by striking the item relating to section 688a and inserting the following new item:

“688a. Retired members: temporary authority to order to active duty in high-demand, low-density assignments.”.

(d) EFFECTIVE DATE.—No agreement may be entered into under section 329 of title 37, United States Code, as added by subsection (a), before October 1, 2006.

(e) LIMITATION ON FISCAL YEAR 2007 OBLIGATIONS.—During fiscal year 2007, obligations incurred under section 329 of title 37, United States Code, as added by subsection (a), to provide bonuses or other incentives to retired members and former members of the Army, Navy, Air Force, or Marine Corps or to members of the reserve components of the Army, Navy, Air Force, and Marine Corps may not exceed \$5,000,000.

Subtitle C—Travel and Transportation Allowances

SEC. 631. AUTHORITY TO PAY COSTS ASSOCIATED WITH DELIVERY OF MOTOR VEHICLE TO STORAGE LOCATION SELECTED BY MEMBER AND SUBSEQUENT REMOVAL OF VEHICLE.

Subsection (b) of section 2634 of title 10, United States Code, is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following new paragraph:

“(4) If a member elects to have a motor vehicle described in subsection (a) stored at a location other than a storage location approved by the Secretary concerned, the delivery and removal costs described in paragraph (3) are the only costs that may be paid by the Secretary. The delivery or removal costs paid by the Secretary under this paragraph may not exceed the total cost that would have been incurred by the United States had the storage location approved by the Secretary been used to store the motor vehicle. The United States is not responsible for any costs associated with the actual storage of the motor vehicle at the unapproved location.”.

SEC. 632. TRANSPORTATION OF ADDITIONAL MOTOR VEHICLE OF MEMBERS ON CHANGE OF PERMANENT STATION TO OR FROM NONFOREIGN AREAS OUTSIDE THE CONTINENTAL UNITED STATES.

(a) AUTHORITY TO TRANSPORT ADDITIONAL MOTOR VEHICLE.—Subsection (a) of section 2634 of title 10, United States Code, is amended—

(1) by striking the sentence following paragraph (4);

(2) by redesignating paragraphs (1), (2), (3), and (4) as subparagraphs (A), (B), (C), and (D), respectively;

(3) by inserting “(1)” after “(a)”;

(4) by adding at the end the following new paragraph:

“(2) One additional motor vehicle of a member (or a dependent of the member) may be transported as provided in paragraph (1) if—

“(A) the member is ordered to make a change of permanent station to or from a nonforeign area outside the continental United States and the member has at least one dependent of driving age who will use the motor vehicle; or

“(B) the Secretary concerned determines that a replacement for the motor vehicle transported under paragraph (1) is necessary for reasons beyond the control of the member and is in the interest of the United States and the Secretary approves the transportation in advance.”.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Such subsection is further amended—

(1) by striking “his dependents” and inserting “a dependent of the member”;

(2) by striking “him” and inserting “the member”;

(3) by striking “his”) and inserting “the member”;

(4) by striking “his new” and inserting “the member’s new”; and

(5) in paragraph (1)(C), as redesignated by subsection (a), by striking “clauses (1) and (2)” and inserting “subparagraphs (A) and (B)”.

(c) EFFECTIVE DATE.—Paragraph (2)(A) of subsection (a) of section 2634 of title 10, United States Code, as added by subsection (a)(4), shall apply with respect to orders issued on or after the date of the enactment of this Act for members of the Armed Forces to make a change of permanent station to or from nonforeign areas outside the continental United States.

SEC. 633. TRAVEL AND TRANSPORTATION ALLOWANCES FOR TRANSPORTATION OF FAMILY MEMBERS INCIDENT TO ILLNESS OR INJURY OF MEMBERS.

Section 411h(b)(1) of title 37, United States Code, is amended—

(1) by striking “and” at the end of subparagraph (C);

(2) by striking the period at the end of subparagraph (D) and inserting “; and”; and

(3) by adding at the end the following new subparagraph:

“(E) a person related to the member as described in subparagraph (A), (B), (C), or (D) who is also a member of the uniformed services.”.

Subtitle D—Retired Pay and Survivor Benefits

SEC. 641. MILITARY SURVIVOR BENEFIT PLAN BENEFICIARIES UNDER INSURABLE INTEREST COVERAGE.

(a) AUTHORITY TO ELECT NEW BENEFICIARY.—Section 1448(b)(1) of title 10, United States Code, is amended—

(1) by inserting “or under subparagraph (G) of this paragraph” in the second sentence of subparagraph (E) before the period at the end; and

(2) by adding at the end the following new subparagraph:

“(G) ELECTION OF NEW BENEFICIARY UPON DEATH OF PREVIOUS BENEFICIARY.—

“(i) AUTHORITY FOR ELECTION.—If the reason for discontinuation in the Plan is the death of the beneficiary, the participant in the Plan may elect a new beneficiary. Any such beneficiary must be a natural person with an insurable interest in the participant. Such an election may be made only during the 180-day period beginning on the date of the death of the previous beneficiary.

“(ii) PROCEDURES.—Such an election shall be in writing, signed by the participant, and made in such form and manner as the Secretary concerned may prescribe. Such an election shall be effective the first day of the first month following the month in which the election is received by the Secretary.

“(iii) VIATION OF ELECTION BY PARTICIPANT WHO DIES WITHIN TWO YEARS OF ELECTION.—If a person providing an annuity under a election under clause (i) dies before the end of the two-year period beginning on the effective date of the election—

“(I) the election is vitiated; and

“(II) the amount by which the person’s retired pay was reduced under section 1452 of this title that is attributable to the election shall be paid in a lump sum to the person who would have been the deceased person’s beneficiary under the vitiated election if the deceased person had died after the end of such two-year period.”.

(b) CHANGE IN PREMIUM FOR COVERAGE OF NEW BENEFICIARY.—Section 1452(c) of such title is amended by adding at the end the following new paragraph:

“(5) RULE FOR DESIGNATION OF NEW INSURABLE INTEREST BENEFICIARY FOLLOWING DEATH OF ORIGINAL BENEFICIARY.—The Secretary of Defense shall prescribe in regulations premiums which a participant making an election under section 1448(b)(1)(G) of this title shall be required to pay for participating in the Plan pursuant to that election. The total amount of the premiums to be paid by a participant under the regulations shall be equal to the sum of the following:

“(A) The total additional amount by which the retired pay of the participant would have been reduced before the effective date of the election if the original beneficiary (i) had not died and had been covered under the Plan through the date of the election, and (ii) had been the same number of years younger than the participant (if any) as the new beneficiary designated under the election.

“(B) Interest on the amounts by which the retired pay of the participant would have been so reduced, computed from the dates on which the retired pay would have been so reduced at such rate or rates and according to such methodology as the Secretary of Defense determines reasonable.

“(C) Any additional amount that the Secretary determines necessary to protect the actuarial soundness of the Department of Defense Military Retirement Fund against any increased risk for the fund that is associated with the election.”.

(c) TRANSITION.—

(1) TRANSITION PERIOD.—In the case of a participant in the Survivor Benefit Plan who made a covered insurable-interest election (as defined in paragraph (2)) and whose designated beneficiary under that election dies before the date of the enactment of this Act or during the 18-month period beginning on such date, the time period applicable for purposes of the limitation in the third sentence of subparagraph (G)(i) of section 1448(b)(1) of title 10, United States Code, as added by subsection (a), shall be the two-year period beginning on the date of the enactment of this Act (rather than the 180-day period specified in that sentence).

(2) COVERED INSURABLE-INTEREST ELECTIONS.—For purposes of paragraph (1), a covered insurable-interest election is an election under section 1448(b)(1) of title 10, United States Code, made before the date of the enactment of this Act, or during the 18-month period beginning on such date, by a participant in the Survivor Benefit Plan to provide an annuity under that plan to a natural person with an insurable interest in that person.

(3) SURVIVOR BENEFIT PLAN.—For purposes of this subsection, the term “Survivor Benefit Plan” means the program under subchapter II of chapter 73 of title 10, United States Code.

SEC. 642. RETROACTIVE PAYMENT OF ADDITIONAL DEATH GRATUITY FOR CERTAIN MEMBERS NOT PREVIOUSLY COVERED.

(a) SPECIFICATION OF ADDITIONAL MEMBERS COVERED.—Section 1478(d)(2) of title 10, United States Code, is amended by striking “May 11, 2005” and inserting “August 31, 2005”.

(b) FUNDING.—Amounts for payments under section 1478(d) of title 10, United States Code, as amended by subsection (a), with respect to deaths during the period beginning on May 12, 2005, and ending on August 31, 2005, may be derived from appropriations available to for the Department of Defense for fiscal year 2006 or fiscal year 2007.

SEC. 643. EQUITY IN COMPUTATION OF DISABILITY RETIRED PAY FOR RESERVE COMPONENT MEMBERS WOUNDED IN ACTION.

Section 1208(b) of title 10, United States Code, is amended by adding at the end the following new sentence: “However, in the case of such a member who is retired under this chapter, or whose name is placed on the temporary disability retired list under this chapter, because of a disability incurred after the date of the enactment of this sentence for which the member is awarded the Purple Heart, the member shall be credited, for the purposes of this chapter, with the number of years of service that would be counted if computing the member’s years of service under section 12732 of this title.”.

Subtitle E—Commissary and Non-appropriated Fund Instrumentality Benefits

SEC. 651. TREATMENT OF PRICE SURCHARGES OF TOBACCO PRODUCTS AND CERTAIN OTHER MERCHANDISE SOLD AT COMMISSARY STORES.

(a) MERCHANDISE PROCURED FROM EXCHANGES.—Subsection (c)(3) of section 2484 of title 10, United States Code, is amended—

(1) by inserting “(A)” after “(3)”;

(2) by striking “Subsections” and inserting “Except as provided in subparagraph (B), subsections”;

(3) by adding at the end the following new subparagraph:

“(B) When a military exchange is the vendor of tobacco products or other merchandise authorized for sale in a commissary store under paragraph (1), any revenue above the cost of procuring the merchandise shall be allocated as if the revenue were a uniform sales price surcharge described in subsection (d).”.

(b) MERCHANDISE TREATED AS NONCOMMISSARY STORE INVENTORY.—Subsection (g) of such section is amended—

(1) by inserting “(1)” before “Notwithstanding”;

(2) by striking “Subsections” and inserting “Except as provided in paragraph (2), subsections”;

(3) by adding at the end the following new paragraph:

“(2) When tobacco products are authorized for sale in a commissary store as noncommissary store inventory, any revenue above the cost of procuring the tobacco products shall be allocated as if the revenue were a uniform sales price surcharge described in subsection (d).”.

SEC. 652. LIMITATION ON USE OF DEPARTMENT OF DEFENSE LEASE AUTHORITY TO UNDERMINE COMMISSARIES AND EXCHANGES AND OTHER MORALE, WELFARE, AND RECREATION PROGRAMS AND NONAPPROPRIATED FUND INSTRUMENTALITIES.

Section 2667(f) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(5) Except in the case of a lease under this subsection, a lease of real property may not be entered into under this section to facilitate the establishment or operation of an ancillary supporting facility (as defined in section 2871 of this title) if, as determined by the Secretary concerned, the facility is to be used for providing merchandise or services in direct competition with—

“(A) the Army and Air Force Exchange Service;

“(B) the Navy Exchange Service Command;

“(C) a Marine Corps exchange;

“(D) the Defense Commissary Agency; or

“(E) any nonappropriated fund activity of the Department of Defense for the morale, welfare, and recreation of members of the armed forces.”.

SEC. 653. USE OF NONAPPROPRIATED FUNDS TO SUPPLEMENT OR REPLACE APPROPRIATED FUNDS FOR CONSTRUCTION OF FACILITIES OF EXCHANGE STORES SYSTEM AND OTHER NON-APPROPRIATED FUND INSTRUMENTALITIES, MILITARY LODGING FACILITIES, AND COMMUNITY FACILITIES.

(a) IN GENERAL.—Subchapter III of chapter 147 of title 10, United States Code, is amended by inserting after section 2491c the following new section:

“§2491d. Use of nonappropriated funds to supplement or replace appropriated funds for construction of facilities of exchange stores system and other nonappropriated fund instrumentalities, military lodging facilities, and community facilities

“(a) USE OF NONAPPROPRIATED FUNDS.—The Secretary of Defense may authorize the use of nonappropriated funds in lieu of or to supplement funds appropriated to the Department of Defense for the construction of the following:

“(1) Facilities of the exchange stores system and other revenue-generating facilities operated by nonappropriated fund instrumentalities of the Department of Defense for the morale, welfare, and recreation of members of the armed forces.

“(2) Facilities of other nonappropriated fund instrumentalities of the Department of Defense for the morale, welfare, and recreation of members of the armed forces.

“(3) Military lodging facilities used to provide temporary lodging to authorized members of the armed forces, including temporary duty lodging, permanent change of station lodging, recreational lodging, and military treatment facility lodging.

“(4) Community facilities intended to supplement mission activities, such as military museums and service academy extra-curricular activities, or to facilitate private organizations or enterprises, such as financial services, memorials, and thrift shop facilities, on military installations.

“(b) USE CRITERIA.—The Secretary of Defense may prescribe by regulation the criteria under which nonappropriated funds may be used under subsection (a).

“(c) CONGRESSIONAL NOTIFICATION.—When a decision is made to use nonappropriated funds under subsection (a), the Secretary of Defense shall submit a report to the congressional defense committees containing the reasons for using nonappropriated funds in lieu of or to supplement appropriated funds and the amount of nonappropriated funds to be used. The nonappropriated funds may be used only after the end of the 21-day period beginning on the date the report is received by such committees or, if earlier, the end of the 14-day period beginning on the date on which a copy of the report is provided in an electronic medium pursuant to section 480 of this title.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 2491c the end the following new item:

“2491d. Use of nonappropriated funds to supplement or replace appropriated funds for construction of facilities of exchange stores system and other nonappropriated fund instrumentalities, military lodging facilities, and community facilities.”.

SEC. 654. REPORT ON COST EFFECTIVENESS OF PURCHASING COMMERCIAL INSURANCE FOR COMMISSARY AND EXCHANGE FACILITIES AND FACILITIES OF OTHER MORALE, WELFARE, AND RECREATION PROGRAMS AND NON-APPROPRIATED FUND INSTRUMENTALITIES.

(a) REPORT REQUIRED.—Not later than July 31, 2007, the Secretary of Defense shall submit to Congress a report evaluating the cost effectiveness of the Defense Commissary Agency and the nonappropriated fund activities specified in subsection (b) purchasing commercial insurance to protect financial interests in facilities operated by the Defense Commissary Agency or those nonappropriated fund activities.

(b) COVERED NONAPPROPRIATED FUND ACTIVITIES.—The report shall apply with respect to—

(1) the Army and Air Force Exchange Service;

(2) the Navy Exchange Service Command;

(3) a Marine Corps exchange; and

(4) any nonappropriated fund activity of the Department of Defense for the morale, welfare, and recreation of members of the armed forces.

Subtitle F—Other Matters

SEC. 661. REPEAL OF ANNUAL REPORTING REQUIREMENT REGARDING EFFECTS OF RECRUITMENT AND RETENTION INITIATIVES.

(a) REPEAL.—Section 1015 of title 37, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 19 of title 37, United States Code, is amended by striking the item relating to section 1015.

SEC. 662. PILOT PROJECT REGARDING PROVIDING GOLF CARTS ACCESSIBLE FOR DISABLED PERSONS AT MILITARY GOLF COURSES.

(a) PILOT PROJECT REQUIRED.—The Secretary of Defense shall conduct a pilot project at not less than three military golf courses to evaluate the cost effectiveness and utility of making available at military golf courses golf carts that are accessible for disabled persons authorized to use such courses and the demand among disabled persons authorized to use such courses for accessible golf carts. The Secretary shall provide at least two accessible golf carts at each pilot project location.

(b) PILOT PROJECT LOCATIONS.—The military golf courses selected to participate in the pilot project shall be geographically dispersed, except that one of the military golf courses shall be in the Washington metropolitan area.

(c) DURATION.—The Secretary shall conduct the pilot project for a minimum of one year.

(d) REPORT REQUIRED.—Not later than 180 days after the conclusion of the pilot project, the Secretary shall submit a report to Congress

containing the results of the project and such recommendations as the Secretary considers appropriate regarding providing golf carts accessible to disabled persons.

SEC. 663. ENHANCED AUTHORITY TO REMIT OR CANCEL INDEBTEDNESS OF MEMBERS OF THE ARMED FORCES INCURRED ON ACTIVE DUTY.

(a) PERIOD OF EXERCISE OF SERVICE SECRETARY AUTHORITY AFTER SEPARATION FROM ACTIVE DUTY.—Sections 4837(b), 6161(b), and 9837(b) of title 10, United States Code, are each amended by striking “one-year period” each place it appears and inserting “five-year period”.

(b) TWO-YEAR EXTENSION OF ENHANCED AUTHORITY.—Subsections (a)(3), (b)(3), and (c)(3) of section 683 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3322) are amended by striking “December 31, 2007” in the first sentence and inserting “December 31, 2009”.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—TRICARE Program Improvements

- Sec. 701. TRICARE coverage for forensic examination following sexual assault or domestic violence.
- Sec. 702. Authorization of anesthesia and other costs for dental care for children and certain other patients.
- Sec. 703. Improvements to descriptions of cancer screening.
- Sec. 704. Prohibition on increases in certain health care costs for members of the uniformed services.
- Sec. 705. Services of mental health counselors.
- Sec. 706. Demonstration project on coverage of selected over-the-counter medications under the pharmacy benefit program.
- Sec. 707. Requirement to reimburse certain travel expenses of certain beneficiaries covered by TRICARE for life.
- Sec. 708. Inflation adjustment of differential payments to children's hospitals participating in TRICARE program.
- Sec. 709. Expanded eligibility of Selected Reserve members under TRICARE program.
- Sec. 710. Extension to TRICARE of medicare prohibition of financial incentives not to enroll in group health plan.

Subtitle B—Studies and Reports

- Sec. 711. Department of Defense task force on the future of military health care.
- Sec. 712. Study and plan relating to chiropractic health care services.
- Sec. 713. Comptroller General study and report on Defense Health Program.
- Sec. 714. Transfer of custody of the Air Force Health Study assets to Medical Follow-up Agency.
- Sec. 715. Study on allowing dependents of activated members of Reserve Components to retain civilian health care coverage.

Subtitle C—Other Matters

- Sec. 721. Costs of incentive payments to employees for TRICARE enrollment made unallowable for contractors.
- Sec. 722. Requirement for military medical personnel to be trained in preservation of remains.

Subtitle D—Pharmacy Benefits Program Improvements

- Sec. 731. TRICARE pharmacy program cost-share requirements.

Subtitle A—TRICARE Program Improvements

SEC. 701. TRICARE COVERAGE FOR FORENSIC EXAMINATION FOLLOWING SEXUAL ASSAULT OR DOMESTIC VIOLENCE.

Section 1079(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(17) Forensic examinations following a sexual assault or domestic violence may be provided.”.

SEC. 702. AUTHORIZATION OF ANESTHESIA AND OTHER COSTS FOR DENTAL CARE FOR CHILDREN AND CERTAIN OTHER PATIENTS.

Section 1079(a)(1) of title 10, United States Code, is amended to read as follows:

“(1) With respect to dental care—

“(A) except as provided in subparagraph (B), only that care required as a necessary adjunct to medical or surgical treatment may be provided; and

“(B) in connection with dental treatment for patients with developmental, mental, or physical disabilities or for pediatric patients age 5 or under, only institutional and anesthesia services may be provided.”.

SEC. 703. IMPROVEMENTS TO DESCRIPTIONS OF CANCER SCREENING.

(a) TERMS RELATED TO PRIMARY AND PREVENTIVE HEALTH CARE SERVICES FOR WOMEN.—Section 1074d(b) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking “Papaniocolau tests (pap smear)” and inserting “Cervical cancer screening”; and

(2) in paragraph (2), by striking “Breast examinations and mammography” and inserting “Breast cancer screening”.

(b) TERMS RELATED TO CONTRACTS FOR MEDICAL CARE FOR SPOUSES AND CHILDREN.—Section 1079(a)(2) of such title is amended—

(1) in the matter preceding subparagraph (A), by striking “the schedule of pap smears and mammograms” and inserting “the schedule and method of breast and cervical cancer screenings”; and

(2) in subparagraph (B), by striking “pap smears and mammograms or” and inserting “cervical, breast,”.

SEC. 704. PROHIBITION ON INCREASES IN CERTAIN HEALTH CARE COSTS FOR MEMBERS OF THE UNIFORMED SERVICES.

(a) PROHIBITION ON INCREASE IN CHARGES UNDER CONTRACTS FOR MEDICAL CARE.—Section 1097(e) of title 10, United States Code, is amended by adding at the end the following: “A premium, deductible, copayment, or other charge prescribed by the Secretary under this subsection may not be increased during the period beginning on April 1, 2006, and ending on December 31, 2007.”.

(b) PROHIBITION ON INCREASE IN CHARGES FOR INPATIENT CARE.—Section 1086(b)(3) of title 10, United States Code, is amended by inserting after “charges for inpatient care” the following: “, except that in no case may the charges for inpatient care for a patient exceed \$535 per day during the period beginning on April 1, 2006, and ending on December 31, 2007.”.

(c) PROHIBITION ON INCREASE IN PREMIUMS UNDER TRICARE COVERAGE FOR CERTAIN MEMBERS IN THE SELECTED RESERVE.—Section 1076d(d)(3) of title 10, United States Code, is amended by adding at the end the following: “During the period beginning on April 1, 2006, and ending on December 31, 2007, the monthly amount of the premium may not be increased above the amount in effect for the month of March 2006.”.

(d) PROHIBITION ON INCREASE IN PREMIUMS UNDER TRICARE COVERAGE FOR MEMBERS OF THE READY RESERVE.—Section 1076b(e)(3) of title 10, United States Code, is amended by adding at the end the following: “During the period beginning on April 1, 2006, and ending on December 31, 2007, the monthly amount of a premium under paragraph (2) may not be increased above the amount in effect for the first month health care is provided under this section as amended by Public Law 109-163.”.

SEC. 705. SERVICES OF MENTAL HEALTH COUNSELORS.

(a) REIMBURSEMENT OF MENTAL HEALTH COUNSELORS UNDER TRICARE.—

(1) REIMBURSEMENT UNDER TRICARE.—Section 1079(a)(8) of title 10, United States Code, is amended—

(A) by inserting “or licensed or certified mental health counselors” after “certified marriage and family therapists” both places it appears; and

(B) by inserting “or licensed or certified mental health counselors” after “that the therapists.”

(2) AUTHORITY TO ASSESS MEDICAL OR PSYCHOLOGICAL NECESSITY OF SERVICE OR SUPPLY.—Section 1079(a)(13) of such title is amended by inserting “, licensed or certified mental health counselor,” after “certified marriage and family therapist”.

(b) SERVICES OF MENTAL HEALTH COUNSELORS.—

(1) AUTHORITY TO ENTER INTO PERSONAL SERVICES CONTRACTS.—Section 704(c)(2) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 108 Stat. 2799; 10 U.S.C. 1091 note) is amended by inserting “mental health counselors,” after “psychologists,”.

(2) APPLICABILITY OF LICENSURE REQUIREMENT FOR HEALTH-CARE PROFESSIONALS.—Section 1094(e)(2) of title 10, United States Code, is amended by inserting “mental health counselor,” after “psychologist,”.

SEC. 706. DEMONSTRATION PROJECT ON COVERAGE OF SELECTED OVER-THE-COUNTER MEDICATIONS UNDER THE PHARMACY BENEFIT PROGRAM.

(a) REQUIREMENT TO CONDUCT DEMONSTRATION.—The Secretary of Defense shall conduct a demonstration project under section 1092 of title 10, United States Code, to allow particular over-the-counter medications to be included on the uniform formulary under section 1074g of such title.

(b) ELEMENTS OF DEMONSTRATION PROJECT.—

(1) INCLUSION OF CERTAIN OVER-THE-COUNTER MEDICATIONS.—As part of the demonstration project, the Secretary shall modify uniform formulary specifications under section 1074g(a)(2) of such title to include on the uniform formulary any pharmaceutical agent that does not require a prescription (commonly referred to as an over-the-counter medication) if the Pharmacy and Therapeutics Committee finds that the over-the-counter medication is a clinically effective and cost-effective alternative to a pharmaceutical agent that requires a prescription. If the Pharmacy and Therapeutics Committee makes such a finding, the over-the-counter medication shall be considered to be in the same therapeutic class of pharmaceutical agents that the agent requiring a prescription is in, and to the same extent as any agent in the class that requires a prescription. Such an over-the-counter medication shall be made available to a beneficiary through the demonstration program only if the medication is in place of a pharmaceutical agent requiring a prescription and the beneficiary has a prescription for that pharmaceutical agent.

(2) CONDUCT THROUGH MILITARY FACILITIES, RETAIL PHARMACIES, OR MAIL ORDER PROGRAM.—The Secretary shall conduct the demonstration project through at least two of the means described in subparagraph (E) of section 1074g(a)(2) through which over-the-counter medications are provided and may conduct the demonstration project throughout the entire pharmacy benefits program or at a limited number of sites. If the project is conducted at a limited number of sites, the number of sites shall be not less than five in each TRICARE region for each of the two means described in such subparagraph (E).

(3) PERIOD OF DEMONSTRATION.—The Secretary shall provide for conducting the demonstration project for a period of time necessary to evaluate the feasibility and cost effectiveness of the demonstration. Such period shall be at least as long as the period covered by pharmacy contracts in existence on the date of the enactment of this Act (including any extensions of

the contracts), or five years, whichever is shorter.

(4) **IMPLEMENTATION DEADLINE.**—Implementation of the demonstration project shall begin not later than May 1, 2007.

(c) **REPORT.**—Not later than 60 days before the end of the demonstration project, the Secretary shall submit to the Committees on Armed Services of the House of Representatives and the Senate a report on the demonstration project. The report shall contain an evaluation by the Secretary of the costs and benefits of the project, and recommendations on whether permanent authority should be provided to cover over-the-counter medications under the pharmacy benefits program.

(d) **CONTINUATION OF DEMONSTRATION PROJECT.**—If the Secretary recommends in the report under subsection (c) that permanent authority should be provided, the Secretary may continue the demonstration project for up to one year after submitting the report.

SEC. 707. REQUIREMENT TO REIMBURSE CERTAIN TRAVEL EXPENSES OF CERTAIN BENEFICIARIES COVERED BY TRICARE FOR LIFE.

(a) **REQUIREMENT.**—Section 1074i of title 10, United States Code, is amended by adding at the end the following new subsection:

“(c) **TRICARE FOR LIFE BENEFICIARIES.**—

“(1) An eligible TRICARE for Life beneficiary shall be provided reimbursement for travel expenses to a military medical treatment facility if—

“(A) the purpose of the travel is for a follow-up appointment for medical treatment of a condition of the beneficiary; and

“(B) the initial appointment for medical treatment of the condition was at the same facility.

“(2) Reimbursement under this subsection shall, as nearly as practicable, be under the same terms and conditions, and shall be at the same rate, as apply to beneficiary travel reimbursement provided under subsection (a), except that reimbursement shall be provided—

“(A) for no more than 3 follow-up appointments; and

“(B) only if adequate follow-up medical treatment, as determined under the TRICARE program, cannot be obtained within 100 miles of the residence of the beneficiary.

“(3) In this subsection, the term ‘eligible TRICARE for Life beneficiary’ means a person—

“(A) who is eligible for health benefits under section 1086 of this title by reason of subsection (d)(2)(A) of that section;

“(B) who attained age 65 after an initial appointment for medical treatment at a military medical treatment facility; and

“(C) who resides more than 100 miles from the military medical treatment facility and was referred to such facility for treatment by a specialty care provider.”.

(b) **EFFECTIVE DATE.**—Subsection (c) of section 1074i of title 10, United States Code, as added by subsection (a), shall apply with respect to beneficiaries who attain age 65 after the date of the enactment of this Act.

SEC. 708. INFLATION ADJUSTMENT OF DIFFERENTIAL PAYMENTS TO CHILDREN'S HOSPITALS PARTICIPATING IN TRICARE PROGRAM.

(a) **ANNUAL INFLATION ADJUSTMENT.**—Beginning in fiscal year 2007, the Secretary of Defense shall annually adjust for inflation the TRICARE children's hospital differential payment rate. The adjustment for a fiscal year shall be the same as the applicable percentage increase defined under section 1886(d)(3)(B)(i) of the Social Security Act (42 U.S.C. 1395ww(d)(3)(B)(i)) for that fiscal year for hospitals located in large urban areas.

(b) **TRICARE CHILDREN'S HOSPITAL DIFFERENTIAL PAYMENT RATE.**—In this section, the term “TRICARE children's hospital differential payment rate” means the differential payment rate by the Department of Defense to children's

hospitals for health care services for dependent children of members of the uniformed services under the TRICARE program.

SEC. 709. EXPANDED ELIGIBILITY OF SELECTED RESERVE MEMBERS UNDER TRICARE PROGRAM.

(a) **GENERAL ELIGIBILITY.**—Subsection (a) of section 1076d of title 10, United States Code, is amended—

(1) by striking “(a) **ELIGIBILITY.**—A member” and inserting “(a) **ELIGIBILITY.**—(1) Except as provided in paragraph (2), a member”;

(2) by striking “after the member completes” and all that follows through “one or more whole years following such date”; and

(3) by adding at the end the following new paragraph:

“(2) Paragraph (1) does not apply to a member who is enrolled, or is eligible to enroll, in a health benefits plan under chapter 89 of title 5.”.

(b) **CONDITION FOR TERMINATION OF ELIGIBILITY.**—Subsection (b) of such section is amended—

(1) by striking “(b) **PERIOD OF COVERAGE.**—(1) TRICARE Standard” and all that follows through “(4) Eligibility” and inserting “(b) **TERMINATION OF ELIGIBILITY UPON TERMINATION OF SERVICE.**—Eligibility”; and

(2) by striking paragraph (5).

(c) **CONFORMING AMENDMENTS.**—

(1) Such section is further amended—

(A) by striking subsection (e);

(B) by redesignating subsection (g) as subsection (e) and transferring such subsection within such section so as to appear following subsection (d); and

(C) by striking paragraph (3) of subsection (f).

(2) The heading for such section is amended to read as follows:

“§ 1076d. TRICARE program: TRICARE standard coverage for members of the Selected Reserve”.

(d) **REPEAL OF OBSOLETE PROVISION.**—Section 1076b of title 10, United States Code, is repealed.

(e) **CLERICAL AMENDMENTS.**—The table of sections at the beginning of chapter 55 of title 10, United States Code, is amended—

(1) by striking the item relating to section 1076b; and

(2) by striking the item relating to section 1076d and inserting the following:

“1076d. TRICARE program: TRICARE Standard coverage for members of the Selected Reserve.”.

(f) **SAVINGS PROVISION.**—Enrollments in TRICARE Standard that are in effect on the day before the date of the enactment of this Act under section 1076d of title 10, United States Code, as in effect on such day, shall be continued until terminated after such day under such section 1076d as amended by this section.

(g) **EFFECTIVE DATE.**—The Secretary of Defense shall ensure that health care under TRICARE Standard is provided under section 1076d of title 10, United States Code, as amended by this section, beginning not later than October 1, 2007.

SEC. 710. EXTENSION TO TRICARE OF MEDICARE PROHIBITION OF FINANCIAL INCENTIVES NOT TO ENROLL IN GROUP HEALTH PLAN.

(a) **IN GENERAL.**—Section 1097b of title 10, United States Code, is amended by redesignating subsection (c) as subsection (d) and by adding the following after subsection (b):

“(c) **PROHIBITION OF FINANCIAL INCENTIVES NOT TO ENROLL IN A GROUP HEALTH PLAN.**—(1) Except as provided in this subsection, the provisions of section 1862(b)(3)(C) of the Social Security Act shall apply with respect to financial or other incentives for an individual eligible for benefits under section 1086 of this title not to enroll (or to terminate enrollment) under a health plan which would (in the case of such enrollment) be a primary plan under sections 1079(j)(1) and 1086(g) of this title in the same

manner as such section 1862(b)(3)(C) applies to financial or other incentives for an individual entitled to benefits under title XVIII of the Social Security Act not to enroll (or to terminate enrollment) under a group health plan or a large group health plan which would (in the case of enrollment) be a primary plan (as defined in section 1862(b)(2)(A) of such Act).

“(2)(A) The Secretary of Defense may by regulation adopt such exceptions to the prohibition referenced and applied under paragraph (1) as the Secretary deems appropriate and such paragraph (1) shall be implemented taking into account the adoption of such exceptions.

“(B) The Secretary of Defense and the Secretary of Health and Human Services are authorized to enter into agreements for carrying out this subsection. Any such agreement shall provide that any expenses incurred by the Secretary of Health and Human Services pertaining to carrying out this subsection shall be reimbursed by the Secretary of Defense.

“(C) Authorities of the Inspector General of the Department of Defense shall be available for oversight and investigations of responsibilities of employers and other entities under this subsection.

“(D) Information obtained under section 1095(k) of this title may be used in carrying out this subsection in the same manner as information obtained under section 1862(b)(5) may be used in carrying out section 1862(b).

“(E) Any amounts collected in carrying out paragraph (1) shall be handled in accordance with section 1079a of this title.

“(3) In addition to any penalty applied under the authority of paragraph (1), the Secretary of Defense may by regulation provide that repeated violations by an employer or other entity of the prohibition referenced and applied under paragraph (1) are grounds for exclusion of the employer or other entity from any contract or subcontract to provide goods or services to, or any financial assistance from, the Department of Defense.”.

(b) **CONFORMING AMENDMENT.**—Section 1095(k)(5) of such title is amended by striking “and 1086(d)” and inserting “, 1086(d), and 1097b(c)”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect January 1, 2008.

Subtitle B—Studies and Reports

SEC. 711. DEPARTMENT OF DEFENSE TASK FORCE ON THE FUTURE OF MILITARY HEALTH CARE.

(a) **REQUIREMENT TO ESTABLISH.**—The Secretary of Defense shall establish within the Department of Defense a task force to examine matters relating to the future of military health care.

(b) **COMPOSITION.**—

(1) **MEMBERS.**—The task force shall consist of not more than 14 members appointed by the Secretary of Defense from among individuals described in paragraph (2) who have demonstrated expertise in the area of health care programs and costs.

(2) **RANGE OF MEMBERS.**—The individuals appointed to the task force shall include—

(A) at least one member of each of the Medical Departments of the Army, Navy, and Air Force;

(B) a number of persons from outside the Department of Defense equal to the total number of personnel from within the Department of Defense (whether members of the Armed Forces or civilian personnel) who are appointed to the task force;

(C) persons who have experience in—

(i) health care actuarial forecasting;

(ii) health care program development;

(iii) health care budget management;

(iv) evidence-based medicine;

(v) health care performance measurement;

(vi) health care quality improvement; and

(vii) academic institute research in health care services;

(D) at least one member from the Institute of Medicine;

(E) at least one member from the Defense Business Board; and

(F) at least one representative from a military or veterans service organization who has experience in health care.

(3) **INDIVIDUALS APPOINTED OUTSIDE THE DEPARTMENT OF DEFENSE.**—

(A) Individuals appointed to the task force from outside the Department of Defense may include officers or employees of other departments or agencies of the Federal Government, officers or employees of State and local governments, or individuals from the private sector.

(B) Individuals appointed to the task force from outside the Department of Defense shall include—

(i) an officer or employee of the Department of Veterans Affairs; and

(ii) an officer or employee of the Department of Health and Human Services.

(4) **DEADLINE FOR APPOINTMENT.**—All appointments of individuals to the task force shall be made not later than 90 days after the date of the enactment of this Act.

(5) **CO-CHAIRS OF TASK FORCE.**—There shall be two co-chairs of the task force. One of the co-chairs shall be designated by the Secretary of Defense at the time of appointment from among the Department of Defense personnel appointed to the task force. The other co-chair shall be selected from among the members appointed from outside the Department of Defense by members so appointed.

(c) **ASSESSMENT AND RECOMMENDATIONS ON THE FUTURE OF MILITARY HEALTH CARE.**—

(1) **IN GENERAL.**—Not later than 12 months after the date on which all members of the task force have been appointed, the task force shall submit to the Secretary a report containing an assessment of, and recommendations for, sustaining the military health care services being provided to members of the Armed Forces, retirees, and their families.

(2) **UTILIZATION OF OTHER EFFORTS.**—In preparing the report, the task force shall take into consideration the findings and recommendation included in the Healthcare for Military Retirees Task Group of the Defense Business Board, previous Government Accountability Office reports, studies and reviews by the Assistant Secretary of Defense for Health Affairs, and any other studies or research conducted by organizations regarding improvements to sustain the military health care system.

(3) **ELEMENTS.**—The assessment and recommendations (including recommendations for legislative or administrative action) shall include measures to improve the following:

(A) Wellness initiatives and disease management programs of the Department of Defense, including health risk tracking and the use of rewards for wellness.

(B) Education programs focused on prevention awareness and patient-initiated health care.

(C) The ability to account for the true and accurate cost of health care in the military health system.

(D) Alternative health care initiatives to manage patient behavior and costs.

(E) The appropriate command and control structure within the Department of Defense and the Armed Forces to manage the military health system.

(F) The adequacy of the military health care procurement system, including methods to streamline existing procurement activities.

(G) The appropriate mix of military and civilian personnel to meet future readiness and high-quality health care service requirements.

(H) The beneficiary and Government cost sharing structure required to sustain the military health benefits over the long term.

(I) Programs focused on managing the health care needs of Medicare-eligible military beneficiaries.

(J) Efficient and cost effective contracts for health care services, including performance-based requirements for health care provider reimbursement.

(c) **ADMINISTRATIVE MATTERS.**—

(1) **COMPENSATION.**—Each member of the task force who is a member of the Armed Forces or a civilian officer or employee of the United States shall serve without compensation (other than compensation to which entitled as a member of the Armed Forces or an officer or employee of the United States, as the case may be). Other members of the task force shall be treated for purposes of section 3161 of title 5, United States Code, as having been appointed under subsection (b) of such section.

(2) **OVERSIGHT.**—The Under Secretary of Defense for Personnel and Readiness shall oversee the activities of the task force.

(3) **ADMINISTRATIVE SUPPORT.**—The Washington Headquarters Services of the Department of Defense shall provide the task force with personnel, facilities, and other administrative support as necessary for the performance of the duties of the task force.

(4) **ACCESS TO FACILITIES.**—The Under Secretary of Defense for Personnel and Readiness shall, in coordination with the Secretaries of the military departments, ensure appropriate access by the task force to military installations and facilities for purposes of the discharge of the duties of the task force.

(e) **REPORT.**—

(1) **IN GENERAL.**—The task force shall submit to the Secretary of Defense a report on its activities under this section. The report shall include—

(A) a description of the activities of the task force;

(B) the assessment and recommendations required by subsection (c); and

(C) such other matters relating to the activities of the task force that the task force considers appropriate.

(2) **TRANSMITTAL TO CONGRESS.**—Not later than 90 days after receipt of the report under paragraph (1), the Secretary shall transmit the report to the Committees on Armed Services of the Senate and the House of Representatives. The Secretary may include in the transmittal such comments on the report as the Secretary considers appropriate.

(f) **PLAN REQUIRED.**—Not later than 6 months after receipt of the report from the task force under subsection (e)(1), the Secretary of Defense shall develop a plan based on the recommendations of the task force and submit the plan to the Committees on Armed Services of the Senate and the House of Representatives.

(g) **TERMINATION.**—The task force shall terminate 90 days after the date on which the report of the task force is submitted to Congress under subsection (e)(2).

SEC. 712. STUDY AND PLAN RELATING TO CHIROPRACTIC HEALTH CARE SERVICES.

(a) **STUDY REQUIRED.**—

(1) **GROUPS COVERED.**—The Secretary of Defense shall conduct a study of providing chiropractic health care services and benefits to the following groups:

(A) All members of the uniformed services on active duty and entitled to care under section 1074(a) of title 10, United States Code.

(B) All members described in subparagraph (A) and their eligible dependents, and all members of reserve components of the uniformed services and their eligible dependents.

(C) All members or former members of the uniformed services who are entitled to retired or retiree pay or equivalent pay and their eligible dependents.

(2) **MATTERS EXAMINED.**—

(A) For each group listed in subparagraphs (A), (B), and (C) of paragraph (1), the study shall examine the following with respect to chiropractic health care services and benefits:

(i) The cost of providing such services and benefits.

(ii) The feasibility of providing such services and benefits.

(iii) An assessment of the health care benefits of providing such services and benefits.

(iv) An estimate of the potential cost savings of providing such services and benefits in lieu of other medical services.

(v) The identification of existing and planned health care infrastructure, including personnel, equipment, and facilities, to accommodate the provision of chiropractic health care services.

(B) For the members of the group listed in subparagraph (A) of paragraph (1), the study shall examine the effects of providing chiropractic health care services and benefits—

(i) on the readiness of such members; and

(ii) on the acceleration of the return to duty of such members following an identified injury or other malady that can be appropriately treated with chiropractic health care services.

(3) **SPACE AVAILABLE COSTS.**—The study shall also include a detailed analysis of the projected costs of providing chiropractic health care services on a space available basis in the military treatment facilities currently providing chiropractic care under section 702 of the Floyd D. Spence National Defense Authorization Act of Fiscal Year 2001 (as enacted by Public Law 106-398; 10 U.S.C. 1092 note).

(4) **ELIGIBLE DEPENDENTS DEFINED.**—In this section, the term “eligible dependent” has the meaning given that term in section 1076a(k) of title 10, United States Code.

(b) **PLAN REQUIRED.**—Not later than March 31, 2007, the Secretary of Defense shall revise the plan required under section 702 of the Floyd D. Spence National Defense Authorization Act of Fiscal Year 2001 (as enacted by Public Law 106-398; 10 U.S.C. 1092 note), including a detailed analysis of the projected costs, to provide chiropractic health care services and benefits as a permanent part of the Defense Health Program (including the TRICARE program) as required under that section.

(c) **REPORT REQUIRED.**—Not later than March 31, 2007, the Secretary of Defense shall submit a report on the study required under subsection (a), together with the plan required under subsection (b), to the Committees on Armed Services of the Senate and the House of Representatives.

SEC. 713. COMPTROLLER GENERAL STUDY AND REPORT ON DEFENSE HEALTH PROGRAM.

(a) **STUDY REQUIRED.**—The Comptroller General, in cooperation with the Congressional Budget Office, shall conduct a study of the projected cost savings to the Defense Health Program included in the fiscal year 2007 budget request.

(b) **ELEMENTS.**—The study required by subsection (a) shall include the following:

(1) An evaluation of the rationale for calculations made by the Department of Defense for the portion of total health care costs paid by beneficiaries in 1995 and in 2005, including issues such as—

(A) the rationale for the Department's stated costs of providing the benefit in 1995 and in 2005;

(B) the basis for the Department's calculations of increases in cost between 1995 and 2005; and

(C) the amounts paid by beneficiaries for health care in 1995 and 2005.

(2) An evaluation of the rationale for calculations and assumptions made by the Department of Defense for the estimated savings associated with the implementation of its cost share increases.

(3) A review of the annual rate of medical inflation of the Department of Defense and how it compares with the annual rates of increase in health care premiums in the Federal Employee Health Benefit Program and other health care programs as well as other health care indexes for the past 5 years.

(4) An assessment of the rationale for the cost share increase amounts made by the Department of Defense.

(c) **INDEPENDENT EXPERTS.**—To ensure the availability of appropriate expertise in addressing the elements of the study required under this

section, the Comptroller General may use independent experts, such as actuaries, if needed.

(d) **REPORT.**—The Comptroller General shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the study required by subsection (a) not later than June 1, 2007.

SEC. 714. TRANSFER OF CUSTODY OF THE AIR FORCE HEALTH STUDY ASSETS TO MEDICAL FOLLOW-UP AGENCY.

(a) **TRANSFER.**—

(1) **NOTIFICATION OF PARTICIPANTS.**—The Secretary of the Air Force shall notify the participants of the Air Force Health Study that the study as currently constituted is ending as of September 30, 2006. In consultation with the Medical Follow-up Agency (in this section referred to as the “Agency”) of the Institute of Medicine of the National Academy of Sciences, the Secretary of the Air Force shall request the written consent of the participants to transfer their data and biological specimens to the Agency during fiscal year 2007 and written consent for the Agency to maintain the data and specimens and make them available for additional studies.

(2) **COMPLETION OF TRANSFER.**—Custodianship of the Air Force Health Study shall be completely transferred to the Agency on or before September 30, 2007. Assets to be transferred shall include electronic data files and biological specimens of all the study participants.

(3) **COPIES TO ARCHIVES.**—The Air Force shall send paper copies of all study documents to the National Archives.

(b) **REPORT ON TRANSFER.**—

(1) **REQUIREMENT.**—Not later than 30 days after completion of the transfer of the assets of the Air Force Health Study under subsection (a), the Secretary of the Air Force shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the transfer.

(2) **MATTERS COVERED.**—At a minimum, the report shall include information on the number of study participants whose data and biological specimens were not transferred, the efforts that were taken to contact such participants, and the reasons why the transfer of their data and specimens did not occur.

(c) **DISPOSITION OF ASSETS NOT TRANSFERRED.**—The Secretary of the Air Force may not destroy any data or biological specimens not transferred under subsection (a) until the expiration of the one-year period following submission of the report under subsection (b).

(d) **FUNDING.**—

(1) **COSTS OF TRANSFER.**—The Secretary of Defense shall make available to the Air Force \$850,000 for preparation, transfer of the assets of the Air Force Health Study and shipment of data and specimens to the Medical Follow-up Agency and the National Archives during fiscal year 2007 from amounts available from the Department of Defense for that year. The Secretary of Defense is authorized to transfer the freezers and other physical assets assigned to the Air Force Health Study to the Agency without charge.

(2) **COSTS OF COLLABORATION.**—The Secretary of Defense may reimburse the National Academy of Sciences up to \$200,000 for costs of the Medical Follow-up Agency to collaborate with the Air Force in the transfer and receipt of the assets of the Air Force Health Study to the Agency during fiscal year 2007 from amounts available from the Department of Defense for that year.

SEC. 715. STUDY ON ALLOWING DEPENDENTS OF ACTIVATED MEMBERS OF RESERVE COMPONENTS TO RETAIN CIVILIAN HEALTH CARE COVERAGE.

(a) **STUDY REQUIREMENT.**—The Secretary of Defense shall conduct a study on the feasibility of allowing family members of members of the Reserve Components who are called or ordered to active duty to continue health care coverage under a civilian health care program and provide reimbursement for such health care.

(b) **ELEMENTS.**—The study required by subsection (a) shall include the following:

(1) An assessment of the number of military dependents with special health care needs (such as ongoing chemotherapy or physical therapy) who would benefit from continued coverage under the member's civilian health care plan instead of enrolling in the TRICARE program.

(2) An assessment of the feasibility of providing reimbursement to the member or the sponsor of the civilian health coverage.

(3) A recommendation on the appropriate rate of reimbursement for civilian employers or members.

(4) The feasibility of including dependents who do not have access to health care providers that accept payment under the TRICARE program (such as those in rural areas).

(c) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the study required under subsection (a).

Subtitle C—Other Matters

SEC. 721. COSTS OF INCENTIVE PAYMENTS TO EMPLOYEES FOR TRICARE ENROLLMENT MADE UNALLOWABLE FOR CONTRACTORS.

(a) **DEFENSE CONTRACTS.**—Section 2324(e)(1) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

“(Q) Costs incurred by a contractor for incentive payments to employees to encourage enrollment in the TRICARE program under chapter 55 of this title or any other Government-sponsored health care program, except that this subparagraph does not apply to such costs incurred by a contractor performing a contract to which any of the following applies:

“(i) The Services Contract Act of 1965 (41 U.S.C. 351 et seq.).

“(ii) Any other law or labor agreement that requires a company to compensate its employees for health care whether or not the employee participates in a company health plan.”.

(b) **CIVILIAN AGENCY CONTRACTS.**—Section 306(e)(1) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 256(e)(1)) is amended by adding at the end the following new subparagraph:

“(P) Costs incurred by a contractor for incentive payments to employees to encourage enrollment in the TRICARE program under chapter 55 of title 10, United States Code, or any other Government-sponsored health care program, except that this subparagraph does not apply to such costs incurred by a contractor performing a contract to which any of the following applies:

“(i) The Services Contract Act of 1965 (41 U.S.C. 351 et seq.).

“(ii) Any other law or labor agreement that requires a company to compensate its employees for health care whether or not the employee participates in a company health plan.”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply with respect to contracts entered into after the date occurring 180 days after the date of the enactment of this Act.

SEC. 722. REQUIREMENT FOR MILITARY MEDICAL PERSONNEL TO BE TRAINED IN PRESERVATION OF REMAINS.

(a) **REQUIREMENT.**—The Secretary of Defense shall develop a program requiring each military department to include training in the preservation of remains for health care professionals under the department's jurisdiction. The training shall be provided before a health care professional is deployed into a theater of operation and periodically thereafter as determined necessary for refresher training.

(b) **MATTERS COVERED BY TRAINING.**—The training shall include, at a minimum—

(1) best practices and procedures for the preservation of the remains of a member of the Armed Forces after death, taking into account

the needs, sensitivities, and potential wishes of the family of the decedent, including the return of the remains to the family in the best possible condition; and

(2) practical case studies to illustrate the objectives of paragraph (1) and provide a real world perspective.

(c) **HEALTH CARE PROFESSIONAL.**—In this section, the term “health care professional” means a physician, dentist, clinical psychologist, nurse, nurse practitioner, or physician assistant and any other person providing direct patient care as may be designated by the Secretary of Defense in regulations.

Subtitle D—Pharmacy Benefits Program Improvements

SEC. 731. TRICARE PHARMACY PROGRAM COST-SHARE REQUIREMENTS.

Paragraph (6) of section 1074g(a) of title 10, United States Code, is amended to read as follows:

“(6)(A) The Secretary, in regulations prescribed under subsection (g), may establish cost-sharing requirements (which may be established as a percentage or fixed dollar amount) under the pharmacy benefits program for generic, formulary, and nonformulary agents.

“(B)(i) With respect to agents available through the national mail-order pharmacy program, the Secretary of Defense may not establish requirements for cost sharing for generic and formulary agents that are in excess of cost sharing requirements for generic and formulary agents available through facilities of the uniformed services.

“(ii) With respect to agents available through retail pharmacies, the Secretary of Defense may not establish cost sharing in excess of—

“(I) \$6 for generic agents;

“(II) \$16 for formulary agents; and

“(III) \$22 for nonformulary agents.

“(iii) The cost sharing requirements of this subparagraph shall be in effect during the period beginning 90 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2007 and ending on December 31, 2007.”.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Provisions Relating to Major Defense Acquisition Programs

Sec. 801. Requirements Management Certification Training Program.

Sec. 802. Additional requirements relating to technical data rights.

Sec. 803. Study and report on revisions to Selected Acquisition Report requirements.

Sec. 804. Quarterly updates on implementation of acquisition reform in the Department of Defense.

Sec. 805. Establishment of defense challenge process for critical cost growth threshold breaches in major defense acquisition programs.

Sec. 806. Market research required for major defense acquisition programs before proceeding to Milestone B.

Subtitle B—Acquisition Policy and Management

Sec. 811. Applicability of statutory executive compensation cap made prospective.

Sec. 812. Prohibition on procurement from beneficiaries of foreign subsidies.

Sec. 813. Time-certain development for Department of Defense information technology business systems.

Sec. 814. Establishment of Panel on Contracting Integrity.

Subtitle C—Amendments to General Contracting Authorities, Procedures, and Limitations

Sec. 821. Extension of special temporary contract closeout authority.

Sec. 822. Limitation on contracts for the acquisition of certain services.

Sec. 823. Use of Federal supply schedules by State and local governments for recovery from natural disasters, terrorism, or nuclear, biological, chemical, or radiological attack.

Sec. 824. Waivers to extend task order contracts for advisory and assistance services.

Sec. 825. Enhanced access for small business.

Sec. 826. Procurement goal for Hispanic-serving institutions.

Sec. 827. Prohibition on defense contractors requiring licenses or fees for use of military likenesses and designations.

Subtitle D—United States Defense Industrial Base Provisions

Sec. 831. Protection of strategic materials critical to national security.

Sec. 832. Strategic Materials Protection Board.

Subtitle A—Provisions Relating to Major Defense Acquisition Programs

SEC. 801. REQUIREMENTS MANAGEMENT CERTIFICATION TRAINING PROGRAM.

(a) TRAINING PROGRAM.—

(1) **REQUIREMENT.**—The Under Secretary of Defense for Acquisition, Technology, and Logistics, in consultation with the Defense Acquisition University, shall develop a training program to certify civilian and military personnel of the Department of Defense with responsibility for generating requirements for major defense acquisition programs (as defined in section 2430 of title 10, United States Code).

(2) **COMPETENCY AND OTHER REQUIREMENTS.**—The Under Secretary shall establish competency requirements for the personnel undergoing the training program. The Under Secretary shall define the target population for such training program by identifying which civilian and military personnel should have responsibility for generating requirements. The Under Secretary also may establish other training programs for personnel not subject to chapter 87 of title 10, United States Code, and who contribute significantly to other types of acquisitions by the Department of Defense.

(3) **MATTERS COVERED.**—At a minimum, the training program shall, with respect to a major defense acquisition program—

(A) provide instruction on the interrelationship among the requirements generation process, the budget process, and the acquisition process within the Department of Defense for such a program;

(B) stress the importance of generating requirements for such a program that result in joint applications to the maximum extent possible;

(C) provide instruction on the effects of introducing new requirements for such a program—

(i) both before and after the commencement of system development and demonstration; and

(ii) during initial operational test and evaluation;

(D) ensure that requirements for such a program are derived primarily from capability shortfalls in the program identified by a commander of a combatant command;

(E) ensure that requirements for such a program are informed by a sound analysis of alternatives, by realistic technical assessments based on technology readiness levels, and by fiscal guidance, including consultation with production engineers on the cost, schedule and technical feasibility of the requirements;

(F) ensure that, for the introduction of any changes to requirements for such a program, an engineering feasibility assessment that weighs technology readiness, integration, cost, and schedule impacts is conducted after Milestone B approval at the latest, and before Milestone B approval to the maximum extent practicable;

(G) stress the importance of introducing requirements for such a program that are technologically mature, feasible, and achievable without schedule risk; and

(H) stress the importance of stable requirements for such a program to provide the baseline for successful execution of the program.

(4) **AVAILABILITY.**—The training program shall be made available on the Internet to ensure the widest dissemination possible.

(b) **APPLICABILITY.**—Effective on and after September 30, 2007, a member of the Armed Forces or an employee of the Department of Defense with authority to generate requirements for a major defense acquisition program may not continue to participate in the requirements generation process unless the member or employee successfully completes the certification training program developed under this section.

SEC. 802. ADDITIONAL REQUIREMENTS RELATING TO TECHNICAL DATA RIGHTS.

(a) **ADDITIONAL REQUIREMENTS RELATING TO TECHNICAL DATA RIGHTS.**—Section 2320 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(e) **ADDITIONAL REGULATIONS.**—(1) Regulations prescribed under subsection (a) shall ensure, at a minimum, that—

“(A) in the case of a major system that is developed exclusively with Federal funds, in part with Federal funds and in part at private expense, or exclusively at private expense, rights are acquired in full by the United States to technical data necessary to support competition for contracts required for sustainment of the system; and

“(B) any contract for a major system includes price and delivery options for acquiring, at any point during the life cycle of the system, major elements of technical data not acquired at the time of initial contract award.

“(2) Regulations prescribed under subsection (a) also shall establish a standard for acquiring rights in technical data that supports the purchase of data rights appropriate to minimize life cycle costs.

“(3) The Under Secretary of Defense for Acquisition, Technology, and Logistics shall ensure that members of the acquisition workforce working with any contract in an amount greater than \$5,000,000 and involving the acquisition of rights in technical data be provided information and formal training sufficient to carry out the regulations prescribed under subsection (a) to implement this subsection.”.

(b) **REGULATIONS.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall revise regulations under section 2320 of title 10, United States Code, to implement subsection (e) of such section (as added by this section).

SEC. 803. STUDY AND REPORT ON REVISIONS TO SELECTED ACQUISITION REPORT REQUIREMENTS.

(a) **STUDY REQUIREMENT.**—The Secretary of Defense, acting through the Under Secretary of Defense for Acquisition, Technology, and Logistics in coordination with the service acquisition executives of each military department, shall conduct a study on revisions to requirements relating to Selected Acquisition Reports, as set forth in section 2432 of title 10, United States Code.

(b) **MATTERS COVERED.**—The study required under subsection (a) shall—

(1) focus on incorporating into the Selected Acquisition Report those elements of program progress that the Department of Defense considers most relevant to evaluating the performance and progress of major defense acquisition programs, with particular reference to the cost estimates and program schedule established when a major defense acquisition program receives Milestone B approval; and

(2) include any recommendations to eliminate elements of the Selected Acquisition Report that the Department believes are no longer needed (other than the elimination of any unit cost information).

(c) **REPORT.**—Not later than March 1, 2007, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of

Representatives a report on the results of the study, including such recommendations as the Secretary considers appropriate.

SEC. 804. QUARTERLY UPDATES ON IMPLEMENTATION OF ACQUISITION REFORM IN THE DEPARTMENT OF DEFENSE.

(a) **QUARTERLY UPDATES REQUIREMENT.**—Not later than 45 days after the date of the enactment of this Act, and on the first day of each calendar quarter thereafter, the Secretary of Defense shall provide an update to the Committees on Armed Services of the Senate and the House of Representatives on the implementation of plans to reform the acquisition system in the Department of Defense.

(b) **MATTERS COVERED.**—Each update provided under subsection (a) shall cover the implementation of reforms of the processes for acquisition, including generation of requirements, award of contracts, and financial management. At a minimum, the updates shall take into account the recommendations made by the following:

(1) The Defense Acquisition Performance Assessment Panel.

(2) The Defense Science Board Summer Study on Transformation, issued in February 2006.

(3) The Beyond Goldwater-Nichols Study of the Center for Strategic and International Studies.

(4) The Quadrennial Defense Review, issued February 6, 2006.

(5) The Committee Defense Review of the Committee on Armed Services of the House of Representatives (when available).

(c) **RECOMMENDATIONS.**—Each report submitted under subsection (a) shall include such recommendations as the Secretary considers appropriate, and implementation plans for the recommendations.

(d) **TERMINATION OF REPORT REQUIREMENT.**—The requirement to submit reports under subsection (a) shall terminate on the first day of the calendar quarter following the first calendar quarter in which the Selected Acquisition Report submitted to Congress under section 2432 of title 10, United States Code, does not indicate that there has been an increase by a percentage equal to or greater than the significant cost growth threshold or the critical cost growth threshold in any major defense acquisition program (as such thresholds are defined in section 2433(a) of such title).

SEC. 805. ESTABLISHMENT OF DEFENSE CHALLENGE PROCESS FOR CRITICAL COST GROWTH THRESHOLD BREACHES IN MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) **PRELIMINARY EVALUATION OF CHALLENGE PROPOSALS FOR CRITICAL COST BREACHES.**—

(1) **SUBMISSION OF CHALLENGE PROPOSALS.**—Section 2359b(c) of title 10, United States Code, is amended—

(A) in paragraph (1), by striking “Panel,” and all that follows through the end and inserting the following: “Panel—

“(A) through the unsolicited proposal process; “(B) in response to a broad agency announcement; or

“(C) in response to a solicitation issued as a result of a critical cost growth threshold breach (as defined in paragraph (4)).”;

(B) by redesignating paragraphs (4), (5), and (6) as paragraphs (5), (7), and (8), respectively;

(C) by inserting after paragraph (3) the following new paragraph (4):

“(4)(A) If the program acquisition unit cost or procurement unit cost of a major defense acquisition program increases by a percentage equal to or greater than the critical cost growth threshold for the program, as determined by the Secretary concerned under section 2433(d) of this title (in this section referred to as a ‘critical cost growth threshold breach’), the Under Secretary shall issue a solicitation for challenge proposals that would result in improvements in affordability of the program. The solicitation shall specifically identify (i) the cost and schedule variances, and (ii) the design, engineering,

manufacturing, or technology integration issues, contributing to the breach.

“(B) A solicitation referred to in subparagraph (A) shall be made public before the end of the 14-day period beginning on the day the Selected Acquisition Report containing the information described in section 2433(g) of this title is required to be submitted under section 2432(f) of this title.

“(C) A solicitation referred to in subparagraph (A) shall require any challenge proposals responding to the solicitation to be submitted within 30 days after the date of issuance of the solicitation.”;

(D) in paragraph (5) (as so redesignated) in the matter preceding subparagraph (A)—

(i) by striking “or submitted” and inserting “submitted”; and

(ii) by inserting after “paragraph (2),” the following: “or submitted in response to a solicitation issued as a result of a critical cost growth threshold breach”; and

(E) by inserting after paragraph (5) (as so redesignated) the following new paragraph (6):

“(6) A panel shall complete a preliminary evaluation of challenge proposals submitted in response to a solicitation issued as a result of a critical cost growth threshold breach before the end of the 60-day period beginning on the day the Selected Acquisition Report referred to in paragraph (4)(B) is submitted to Congress and shall inform the Secretary of Defense of the results of the evaluation to aid in the completion of the Secretary's certification under section 2433(e)(2)(B) of this title.”.

(b) ACTION UPON FAVORABLE FULL REVIEW AND EVALUATION OF CHALLENGE PROPOSALS FOR CRITICAL COST BREACHES.—Section 2359b(e) of such title is amended by adding at the end the following new paragraph:

“(3) In the case of a challenge proposal referred to in paragraph (1) that was submitted in response to a solicitation issued as a result of a critical cost growth threshold breach, the costs of the proposal shall be borne by the major defense acquisition program with respect to which the breach occurred.”.

(c) ACTION UPON UNFAVORABLE FULL REVIEW AND EVALUATION OF CHALLENGE PROPOSALS FOR CRITICAL COST BREACHES.—Section 2359b of such title, as amended by section 213, is further amended—

(1) by redesignating subsections (f), (g), (h), and (i) as subsections (g), (h), (i), and (j), respectively; and

(2) by inserting after subsection (e) the following new subsection (f):

“(f) ACTION UPON UNFAVORABLE FULL REVIEW AND EVALUATION OF CRITICAL COST BREACH SOLICITATIONS.—In the case of a challenge proposal that was submitted in response to a solicitation issued as a result of a critical cost growth threshold breach and that is not determined under a full review and evaluation to satisfy each of the criteria specified in subsection (c)(5), the following provisions apply:

“(1) The office carrying out the full review and evaluation shall provide to the Panel that conducted the preliminary evaluation a statement containing a summary of the rationale for the unfavorable evaluation.

“(2) If the Panel disagrees with the rationale provided under paragraph (1), the Panel may return the challenge proposal to the office for further consideration.

“(3) The full review and evaluation, including a further consideration of the review and evaluation under paragraph (2), shall be completed not later than the expiration of the 60-day period beginning on the date of completion of the preliminary evaluation of the proposal by a Panel under subsection (c).

“(4) After a full review and evaluation of all such challenge proposals submitted for such review and evaluation are completed, including further consideration under paragraph (2), the Under Secretary shall submit to the congressional defense committees a report containing a

list of each challenge proposal with an unfavorable evaluation, including an identification of each such challenge proposal returned to an office for further consideration, and a detailed rationale for the unfavorable evaluations upon both initial and further consideration (if any). Such report shall be submitted not later than the expiration of the 60-day period beginning on the date of completion of the last preliminary evaluation of the proposals by a Panel under subsection (c).”.

(d) AMENDMENTS TO UNIT COST REPORTS PROVISIONS.—

(1) ADDITIONAL ASSESSMENT REQUIRED UPON BREACH OF CRITICAL COST GROWTH THRESHOLD.—Section 2433(e)(2)(A) of title 10, United States Code, is amended—

(A) by striking “and” at the end of clause (ii);

(B) by inserting “and” at the end of clause (iii); and

(C) by adding at the end the following new clause:

“(iv) the availability of components, subsystems, or systems that may result in near-term improvements in affordability of the program, as identified under the Defense Acquisition Challenge Program through a solicitation issued pursuant to section 2359b(c)(1)(C) of this title.”.

(2) ADDITIONAL CERTIFICATION REQUIRED UPON BREACH OF CRITICAL COST GROWTH THRESHOLD.—Section 2433(e)(2)(B) of such title is amended—

(A) by redesignating clauses (iii) and (iv) as clauses (iv) and (v), respectively; and

(B) by inserting after clause (ii) the following new clause (iii):

“(iii) the Panel conducting preliminary evaluation of challenge proposals submitted in response to the solicitation issued under the Defense Acquisition Challenge Program pursuant to section 2359b(c)(1)(C) of this title has identified no promising proposals meriting full review and evaluation.”.

(3) ADDITIONAL INFORMATION IN CERTAIN REPORT REQUIRED.—Section 2433(g)(1)(P)(vi) of such title is amended by inserting after “of the program” the following: “and design, engineering, manufacturing, or technology integration issues”.

(e) ADDITIONAL CONFORMING AMENDMENTS.—Section 2359b of such title is further amended—

(1) in subsection (c)(8), as redesignated by subsection (a), by striking “paragraph (4)” and inserting “paragraph (5)”;

(2) in subsection (d)(1), by striking “subsection (c)(6)” and inserting “subsection (c)(8)”;

(3) in subsection (d)(2), by striking “subsection (c)(4)” and inserting “subsection (c)(5)”;

(4) in subsection (e)(1), by striking “subsection (c)(4)” and inserting “subsection (c)(5)”.

SEC. 806. MARKET RESEARCH REQUIRED FOR MAJOR DEFENSE ACQUISITION PROGRAMS BEFORE PROCEEDING TO MILESTONE B.

Section 2366a(a) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (1) through (7) as paragraphs (2) through (8), respectively; and

(2) by inserting before paragraph (2) (as so redesignated) the following new paragraph (1):

“(1) market research has been conducted prior to technology development to reduce duplication of existing technology and products”.

Subtitle B—Acquisition Policy and Management

SEC. 811. APPLICABILITY OF STATUTORY EXECUTIVE COMPENSATION CAP MADE PROSPECTIVE.

(a) PROSPECTIVE APPLICABILITY OF EXECUTIVE COMPENSATION CAP.—Section 808(e)(2) of Public Law 105–85 (41 U.S.C. 435 note; 111 Stat. 1838) is amended by striking “before, on,” and inserting “on”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply as if included in Public Law 105–85 as enacted.

SEC. 812. PROHIBITION ON PROCUREMENT FROM BENEFICIARIES OF FOREIGN SUBSIDIES.

(a) PROHIBITION.—The Secretary of Defense may not enter into a contract for the procurement of goods or services from any foreign person to which the government of a foreign country that is a member of the World Trade Organization has provided a subsidy if—

(1) the United States has requested consultations with that foreign country under the Agreement on Subsidies and Countervailing Measures on the basis that the subsidy is a prohibited subsidy under that Agreement; and

(2) either—

(A) the issue before the World Trade Organization has not been resolved; or

(B) the World Trade Organization has ruled that the subsidy provided by the foreign country is a prohibited subsidy under the Agreement on Subsidies and Countervailing Measures.

(b) JOINT VENTURES.—The prohibition under subsection (a) with respect to a foreign person also applies to any joint venture, cooperative organization, partnership, or contracting team of which that foreign person is a member.

(c) SUBCONTRACTS AND TASK ORDERS.—The prohibition under subsection (a) with respect to a contract also applies to any subcontracts at any tier entered into under the contract and any task orders at any tier issued under the contract.

(d) DEFINITIONS.—In this section:

(1) The term “Agreement on Subsidies and Countervailing Measures” means the agreement described in section 101(d)(12) of the Uruguay Round Agreements Act (19 U.S.C. 3501(d)(12)).

(2) The term “foreign person” means—

(A) an individual who is not a United States person or an alien lawfully admitted for permanent residence into the United States; or

(B) a corporation, partnership, or other non-governmental entity which is not a United States person.

(3) The term “United States person” means—

(A) a natural person who is a citizen of the United States or who owes permanent allegiance to the United States; and

(B) a corporation or other legal entity which is organized under the laws of the United States, any State or territory thereof, or the District of Columbia, if natural persons described in subparagraph (A) own, directly or indirectly, more than 50 percent of the outstanding capital stock or other beneficial interest in such legal entity.

(e) APPLICABILITY.—

(1) PROGRAMS WITH MILESTONE B APPROVAL NOT COVERED.—The prohibition under subsection (a) shall not apply to any contract under a major defense acquisition program that has received Milestone B approval as of the date of the enactment of this Act.

(2) DEFINITIONS.—In this subsection:

(A) The term “major defense acquisition program” means a Department of Defense acquisition program that is a major defense acquisition program for purposes of section 2430 of title 10, United States Code.

(B) The term “Milestone B approval” has the meaning provided that term in section 2366(e)(7) of such title.

SEC. 813. TIME-CERTAIN DEVELOPMENT FOR DEPARTMENT OF DEFENSE INFORMATION TECHNOLOGY BUSINESS SYSTEMS.

(a) MILESTONE A LIMITATION.—The Department of Defense executive or entity that is the milestone decision authority for an information system described in subsection (c) may not provide Milestone A approval for the system unless, as part of the decision process for such approval, that authority determines that the system will achieve initial operational capability within five years of such approval.

(b) INITIAL OPERATIONAL CAPABILITY LIMITATION.—Funds appropriated or otherwise available to the Department of Defense may not be

obligated or expended for an information system described in subsection (c) if the system, having received Milestone A approval, has not achieved initial operational capability within five years of the date of such approval.

(c) **COVERED SYSTEMS.**—An information system described in this subsection is any Department of Defense information technology business system that is not a national security system, as defined in 3542(b)(2) of title 44, United States Code.

(d) **APPLICABILITY TO EXISTING PROGRAMS.**—

(1) **WAIVER AUTHORITY FOR EXISTING PROGRAMS IN DEVELOPMENT.**—The Secretary of Defense may waive the applicability of subsection (b) in the case of a program described in subsection (c) that as of the date of the enactment of this Act has received Milestone A approval but has not as of such date achieved initial operational capability.

(2) **INAPPLICABILITY TO PROGRAMS THROUGH DEVELOPMENT.**—This section does not apply to an information system that achieved initial operational capability before the date of the enactment of this Act.

(e) **DEFINITIONS.**—In this section:

(1) **MILESTONE DECISION AUTHORITY.**—The term “milestone decision authority” has the meaning given that term in Department of Defense Instruction 5000.2, dated May 12, 2003.

(2) **MILESTONE A.**—The term “Milestone A” has the meaning given that term in Department of Defense Instruction 5000.2, dated May 12, 2003.

SEC. 814. ESTABLISHMENT OF PANEL ON CONTRACTING INTEGRITY.

(a) **ESTABLISHMENT.**—

(1) **IN GENERAL.**—The Secretary of Defense shall establish a panel to be known as the “Panel on Contracting Integrity”.

(2) **COMPOSITION.**—The panel shall be composed of the following:

(A) The Deputy Secretary of Defense, who shall be the chairman of the panel.

(B) The service acquisition executive of each military department.

(C) The Inspector General of the Department of Defense.

(D) The Director of the Defense Logistics Agency.

(E) The Director of the Defense Contract Management Agency.

(F) The Director of the Defense Contract Audit Agency.

(G) Such other members as determined appropriate by the Secretary of Defense.

(b) **DUTIES.**—In addition to other matters assigned to it by the Secretary of Defense, the panel shall—

(1) conduct reviews of progress made by the Department of Defense to eliminate areas of vulnerability of the defense contracting system that allow fraud, waste, and abuse to occur;

(2) review the report by the Comptroller General required by section 841 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3389), relating to areas of vulnerability of Department of Defense contracts to fraud, waste, and abuse; and

(3) recommend changes in law, regulations, and policy that it determines necessary to eliminate such areas of vulnerability.

(c) **MEETINGS.**—The panel shall meet as determined necessary by the Secretary of Defense but not less often than once every six months.

(d) **REPORT.**—

(1) **REQUIREMENT.**—The panel shall prepare and submit to the congressional defense committees an annual report on its activities. The report shall contain a summary of its findings and recommendations for the year covered by the report.

(2) **FIRST REPORT.**—The first report under this subsection shall be submitted not later than 180 days after the date of the enactment of this Act and shall contain an examination of the current structure in the Department of Defense for personnel accountability relating to the contracting

system and recommendations for any changes needed to the system of administrative safeguards and disciplinary actions to ensure accountability at the appropriate level for any violations of appropriate standards of behavior in contracting.

Subtitle C—Amendments to General Contracting Authorities, Procedures, and Limitations

SEC. 821. EXTENSION OF SPECIAL TEMPORARY CONTRACT CLOSEOUT AUTHORITY.

Section 804 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136; 117 Stat. 1541) is amended in subsection (d) by striking “September 30, 2006” and inserting “September 30, 2007”.

SEC. 822. LIMITATION ON CONTRACTS FOR THE ACQUISITION OF CERTAIN SERVICES.

(a) **LIMITATION.**—Except as provided in subsection (b), the Secretary of Defense may not enter into a contract for covered services if the amount of the contract—

(1) exceeds 75 percent of the estimated value of any asset required for the provision of services under the contract, as of the date on which contract performance begins; or

(2) exceeds \$150,000,000 in payments over the life of the contract assuming all options to extend the contract are exercised.

(b) **WAIVER.**—The Secretary of Defense may waive subsection (a) with respect to a contract for covered services if the Secretary—

(1) determines that a waiver is necessary for national security purposes; and

(2) provides to the congressional defense committees an economic analysis as described in subsection (c) at least 30 days before the waiver takes effect.

(c) **ECONOMIC ANALYSIS.**—The economic analysis provided under subsection (b) shall include, at a minimum, the following:

(1) A clear explanation of the need for the contract for covered services.

(2) An examination of at least two alternatives for fulfilling the requirements that the contract is meant to fulfill, including the following with respect to each alternative:

(A) A rationale for including the alternative.

(B) A cost estimate of the alternative and an analysis of the quality of each cost estimate.

(C) A discussion of the benefits to be realized from the alternative.

(D) A best value determination of each alternative and a detailed explanation of the life-cycle cost calculations used in the determination.

(d) **COVERED SERVICES.**—The limitation in subsection (a) applies to any contract for the following types of services:

(1) Operation, maintenance, or support of facilities or installations, or construction of facilities needed for performing the contract.

(2) Maintenance or modification of aircraft, ships, vehicles, or other highly complex military equipment, or the provision of aircraft, ships, vehicles, or other highly complex military equipment needed for performing the contract.

(3) Specialized training necessitating high quality instructor skills (for example, pilot and air crew members; foreign language training).

(4) Base services (for example, ground maintenance, in-plane refueling; bus transportation; refuse collection and disposal).

SEC. 823. USE OF FEDERAL SUPPLY SCHEDULES BY STATE AND LOCAL GOVERNMENTS FOR GOODS AND SERVICES FOR RECOVERY FROM NATURAL DISASTERS, TERRORISM, OR NUCLEAR, BIOLOGICAL, CHEMICAL, OR RADIOLOGICAL ATTACK.

(a) **AUTHORITY TO USE SUPPLY SCHEDULES FOR CERTAIN GOODS AND SERVICES.**—Section 502 of title 40, United States Code, is amended by adding at the end the following new subsection:

“(d) **USE OF SUPPLY SCHEDULES FOR CERTAIN GOODS AND SERVICES.**—

“(1) **IN GENERAL.**—The Administrator may provide for the use by State or local govern-

ments of Federal supply schedules of the General Services Administration for goods or services that are to be used to facilitate recovery from a major disaster declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) or to facilitate recovery from terrorism or nuclear, biological, chemical, or radiological attack.

“(2) **DETERMINATION BY SECRETARY OF HOMELAND SECURITY.**—The Secretary of Homeland Security shall determine which goods and services qualify as goods and services described in paragraph (1) before the Administrator provides for the use of the Federal supply schedule relating to such goods and services.

“(3) **VOLUNTARY USE.**—In the case of the use by a State or local government of a Federal supply schedule pursuant to paragraph (1), participation by a firm that sells to the Federal Government through the supply schedule shall be voluntary with respect to a sale to the State or local government through such supply schedule.

“(4) **DEFINITIONS.**—The definitions in subsection (c)(3) shall apply for purposes of this subsection.”

(b) **PROCEDURES.**—Not later than 30 days after the date of the enactment of this Act, the Administrator of General Services shall establish procedures to implement section 502(d) of title 40, United States Code (as added by subsection (a)).

SEC. 824. WAIVERS TO EXTEND TASK ORDER CONTRACTS FOR ADVISORY AND ASSISTANCE SERVICES.

(a) **DEFENSE CONTRACTS.**—Section 2304b(b) of title 10, United States Code, is amended—

(1) by inserting “(1)” before “The period”;

(2) by inserting before the period the following: “or a waiver is issued under paragraph (2)”; and

(3) by adding at the end the following new paragraph:

“(2) The head of an agency may issue a waiver to extend a task order contract entered into under this section for a period not exceeding 10 years, through five one-year options, if the head of the agency determines in writing—

“(A) that the contract provides engineering or technical services of such a unique and substantial technical nature that award of a new contract would be harmful to the continuity of the program for which the services are performed;

“(B) that award of a new contract would create a large disruption in services provided to the Department of Defense; and

“(C) the Department of Defense would endure program risk during critical program stages due to loss of program corporate knowledge of ongoing program activities.”

(b) **CIVILIAN AGENCY CONTRACTS.**—Section 3031(b) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253i) is amended—

(1) by inserting “(1)” before “The period”;

(2) by inserting before the period the following: “or a waiver is issued under paragraph (2)”; and

(3) by adding at the end the following new paragraph:

“(2) An executive agency may issue a waiver to extend a task order contract entered into under this section for a period not exceeding 10 years, through five one-year options, if the head of the agency determines in writing—

“(A) that the contract provides engineering or technical services of such a unique and substantial technical nature that award of a new contract would be harmful to the continuity of the program for which the services are performed;

“(B) that award of a new contract would create a large disruption in services provided to the executive agency; and

“(C) the executive agency would endure program risk during critical program stages due to loss of program corporate knowledge of ongoing program activities.”

(c) **REPORT.**—Not later than April 1, 2007, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the

House of Representatives a report on advisory and assistance services. The report shall include the following information:

(1) The methods used by the Department of Defense to identify a contract as an advisory and assistance services contract, as defined in section 2304b of title 10, United States Code.

(2) The number of such contracts awarded by the Department during the five-year period preceding the date of enactment of this Act.

(3) The average annual expenditures by the Department for such contracts.

(4) The average length of such contracts.

(5) The number of such contracts recompeted and awarded to the previous award winner.

(6) The number of contractors performing such contracts that previously qualified as a small business but no longer qualify as a small business for a recompetition.

(7) The number of such contracts required for a period of greater than five years and a justification of why those services are required for greater than five years, including the rationale for not performing the services inside the Department of Defense.

(8) The percentage of such contracts awarded by the Department during the five-year period preceding the date of the enactment of this Act for assistance in the introduction and transfer of engineering and technical knowledge for fielded systems, equipment, and components.

(9) The actions taken by the Department to prevent organizational conflicts of interest in the use of such contracts.

(d) PROHIBITION ON USE OF AUTHORITY BY DEPARTMENT OF DEFENSE IF REPORT NOT SUBMITTED.—The head of an agency may not issue a waiver under 2304b(b)(2) of title 10, United States Code, as added by subsection (a), if the report required by subsection (c) is not submitted by the date set forth in that subsection.

SEC. 825. ENHANCED ACCESS FOR SMALL BUSINESS.

Section 9(a) of the Contract Disputes Act of 1978 (41 U.S.C. 608) is amended by striking the period at the end of the first sentence and inserting the following: “or, in the case of a small business concern (as defined in the Small Business Act and regulations under that Act), \$150,000 or less.”

SEC. 826. PROCUREMENT GOAL FOR HISPANIC-SERVING INSTITUTIONS.

Section 2323 of title 10, United States Code, is amended—

(1) in subsection (a)(1)—

(A) by striking “and” at the end of subparagraph (B);

(B) by striking the period at the end of subparagraph (C) and inserting “; and”; and

(C) by adding at the end the following new subparagraph:

“(D) Hispanic-serving institutions, as designated by the Department of Education.”;

(2) in subsection (a)(2)—

(A) by inserting after “historically Black colleges and universities” the following: “, Hispanic-serving institutions.”; and

(B) by inserting after “such colleges and universities” the following: “and institutions.”;

(3) in subsection (c)(1), by inserting after “historically Black colleges and universities” the following: “, Hispanic-serving institutions.”; and

(4) in subsection (c)(3), by inserting after “historically Black colleges and universities” the following: “, Hispanic-serving institutions.”.

SEC. 827. PROHIBITION ON DEFENSE CONTRACTORS REQUIRING LICENSES OR FEES FOR USE OF MILITARY LIKENESSES AND DESIGNATIONS.

The Secretary of Defense shall require that any contract entered into or renewed by the Department of Defense include a provision prohibiting the contractor from requiring toy and hobby manufacturers, distributors, or merchants to obtain licenses from or pay fees to the contractor for the use of military likenesses or designations on items provided under the contract.

Subtitle D—United States Defense Industrial Base Provisions

SEC. 831. PROTECTION OF STRATEGIC MATERIALS CRITICAL TO NATIONAL SECURITY.

(a) REQUIREMENT TO BUY FROM AMERICAN SOURCES.—

(1) IN GENERAL.—Chapter 148 of title 10, United States Code, is amended by inserting after section 2533a the following new section:

“§2533b. Requirement to buy strategic materials critical to national security from American sources; exceptions

“(a) REQUIREMENT.—Except as provided in subsections (c) through (h), funds appropriated or otherwise available to the Department of Defense may not be used for the procurement of an item described in subsection (b) if the item is not reprocessed, reused, or produced in the United States.

“(b) COVERED ITEMS.—An item referred to in subsection (a) is any of the following:

“(1) A specialty metal.

“(2) An item critical to national security, as determined by the Strategic Materials Protection Board.

“(c) AVAILABILITY EXCEPTION.—Subsection (a) does not apply to the extent that the Secretary of Defense or the Secretary of the military department concerned determines that satisfactory quality and sufficient quantity of any item described in subsection (b) cannot be procured as and when needed.

“(d) EXCEPTION FOR CERTAIN PROCUREMENTS.—Subsection (a) does not apply to the following:

“(1) Procurements outside the United States in support of combat operations or in support of contingency operations.

“(2) Procurements by vessels in foreign waters for use of the item.

“(3) Procurements for which the use of procedures other than competitive procedures has been approved on the basis of section 2304(c)(2) of this title, relating to unusual and compelling urgency of need.

“(e) EXCEPTION RELATING TO AGREEMENTS WITH FOREIGN GOVERNMENTS.—Subsection (a) does not preclude the procurement of an item described in subsection (b) if—

“(1) the procurement is necessary—

“(A) to comply with agreements with foreign governments requiring the United States to purchase supplies from foreign sources for the purposes of offsetting sales made by the United States Government or United States firms under approved programs serving defense requirements; or

“(B) in furtherance of agreements with foreign governments in which both such governments agree to remove barriers to purchases of supplies produced in the other country or services performed by sources of the other country;

“(2) any such agreement with a foreign government complies, where applicable, with the requirements of section 36 of the Arms Export Control Act (22 U.S.C. 2776) and with section 2457 of this title; and

“(3) the item is grown, produced, or manufactured in the United States or in the country from which it is procured.

“(f) EXCEPTION FOR COMMISSARIES, EXCHANGES, AND OTHER NONAPPROPRIATED FUND INSTRUMENTALITIES.—Subsection (a) does not apply to items purchased for resale purposes in commissaries, exchanges, and nonappropriated fund instrumentalities operated by the Department of Defense.

“(g) EXCEPTION FOR SMALL PURCHASES.—Subsection (a) does not apply to procurements in amounts not greater than the simplified acquisition threshold referred to in section 2304(g) of this title.

“(h) APPLICABILITY TO PROCUREMENTS OF COMMERCIAL ITEMS.—This section applies to procurements of commercial items notwithstanding section 34 of the Office of Federal Procurement Policy Act (41 U.S.C. 430).

“(i) APPLICABILITY TO SUBCONTRACTS.—This section applies to subcontracts at any tier under a prime contract.

“(j) APPLICABILITY TO NONCOMPLIANT COMPONENTS.—A procurement subject to subsection (a) shall not be considered to be in compliance with subsection (a) if noncompliant components are delivered under the procurement without charge to the Federal Government. In this subsection, the term ‘noncompliant component’ means a component that is not reprocessed, reused, or produced in the United States.

“(k) SPECIALTY METAL DEFINED.—In this section, the term ‘specialty metal’ means any of the following:

“(1) Steel—

“(A) with a maximum alloy content exceeding one or more of the following limits: manganese, 1.65 percent; silicon, 0.60 percent; or copper, 0.60 percent; or

“(B) containing more than 0.25 percent of any of the following elements: aluminum, chromium, cobalt, columbium, molybdenum, nickel, titanium, tungsten, or vanadium.

“(2) Metal alloys consisting of nickel, iron-nickel, and cobalt base alloys containing a total of other alloying metals (except iron) in excess of 10 percent.

“(3) Titanium and titanium alloys.

“(4) Zirconium and zirconium base alloys.

“(5) A metal determined by the Strategic Materials Protection Board (established under section 187 of this title) to be a specialty metal critical to national security.

“(l) ADDITIONAL DEFINITIONS.—In this section:

“(1) The term ‘United States’ includes possessions of the United States.

“(2) The term ‘micropurchase’ means a procurement in an amount not greater than the micropurchase threshold, as defined by section 32(f) of the Office of Federal Procurement Policy Act (41 U.S.C. 428).

“(3) The term ‘component’ has the meaning provided in section 4 of such Act (41 U.S.C. 403).”

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“2533b. Requirement to buy strategic materials critical to national security from American sources; exceptions.”.

(3) CONFORMING AMENDMENTS.—Section 2533a of title 10, United States Code, is amended—

(A) by striking paragraph (2) of subsection (b);

(B) in subsection (c), by striking “or specialty metals (including stainless steel flatware)”; and

(C) in subsection (e)—

(i) by striking “SPECIALTY METALS AND” in the heading; and

(ii) by striking “specialty metals or”.

(4) EFFECTIVE DATES.—

(A) Section 2533b of title 10, United States Code, as added by paragraph (1), shall apply with respect to contracts entered into after the date occurring 30 days after the date of the enactment of this Act.

(B) The amendments made by paragraph (3) shall take effect on the date occurring 30 days after the date of the enactment of this Act.

(b) ONE-TIME INADVERTENT MICROPURCHASE WAIVER OF SPECIALTY METALS DOMESTIC SOURCE REQUIREMENT.—

(1) NOTICE OF NONCOMPLIANCE.—In the case of a contract with the Department of Defense in effect before the date of the enactment of this Act with respect to which the contracting officer for the contract determines the contractor is not in compliance with section 2533a of title 10, United States Code (as in effect before such date of enactment) with respect to specialty metals, the contracting officer shall—

(A) post a notice on FedBizOpps.gov that the contractor is not in compliance with such section;

(B) notify the contractor (and any subcontractor under the prime contract that is also

noncompliant) in writing that the contractor (or subcontractor) is not in compliance with such section; and

(C) require the contractor and any subcontractor notified under subparagraph (B) to submit to the contracting officer a compliance plan for becoming compliant with such section.

(2) **WAIVER AUTHORITY.**—In the case of a contract described in paragraph (1), the contracting officer for the contract may waive the applicability to the contract of section 2533a of title 10, United States Code (as in effect before such date of enactment) with respect to specialty metals if—

(A) the procurement is a micropurchase of components (whether in a prime contract or a subcontract under such contract) and the aggregate value of all such procurements in the prime contract and all the subcontracts under such contract does not exceed 1 percent of the amount of the contract or \$100,000, whichever is less;

(B) the contracting officer determines in writing that the contractor was and continues to be inadvertently not in compliance with such section with respect to such metals and the contractor has submitted a compliance plan under paragraph (1)(C); and

(C) the Secretary of the military department concerned approves the waiver.

(3) **NOTICE.**—Not later than 15 days after a contracting officer makes a determination under paragraph (2)(B) with respect to a contract, the contracting officer shall post a notice on FedBizOpps.gov that a waiver has been granted for the contract under this subsection. The notice shall include information about the applicability of section 1001 of title 18, United States Code (relating to criminal penalties for false statements).

(4) **CHALLENGE PERIOD.**—

(A) During the 15-day period beginning on the date of the posting of a notice of a waiver under paragraph (3) for a contract (in this subsection referred to as the “challenge period”), the contracting officer shall accept challenges submitted with respect to the contract.

(B) For purposes of this paragraph, a challenge, with respect to a contract for which a waiver has been granted under this subsection, is a submission of information by an entity (referred to as a “challenger” in this section) stating that the challenger can provide the specialty metals needed for performance of the contract and can certify in writing that the metals are reprocessed, reused, or produced in the United States. The information shall be submitted to the contracting officer in such form and manner as may be prescribed by the Under Secretary of Defense for Acquisition, Technology, and Logistics.

(5) **DETERMINATION BY CONTRACTING OFFICER.**—During the 15-day period beginning on the day after the end of the challenge period with respect to a contract, if any challenge has been submitted to the contracting officer, the contracting officer shall make a determination regarding whether the challenger can provide the specialty metals for the components concerned in sufficient quantity, of satisfactory quality, within a reasonable time, and at a cost that is not unreasonable.

(6) **RESCISSION OF WAIVER.**—(A) Except as provided in subparagraph (B), if the determination under paragraph (5) is in the affirmative, the contracting officer shall—

(i) rescind the waiver granted with respect to the contract under this subsection; and

(ii) require the contractor to comply with subsection (a) by purchasing specialty metals from the challenger.

(B) If the contracting officer makes a determination in the affirmative under paragraph (5) with respect to two or more challengers, the contracting officer shall select or require the contractor to select, in such manner as the contracting officer considers appropriate, the challenger to provide specialty metals under the contract.

(7) **DEFINITIONS.**—In this subsection:

(A) The term “micropurchase” means a procurement in an amount not greater than the micropurchase threshold, as defined by section 32(f) of the Office of Federal Procurement Policy Act (41 U.S.C. 428).

(B) The term “component” has the meaning provided in section 4 of such Act (41 U.S.C. 403).

(C) The term “FedBizOpps.gov” means the website maintained by the General Services Administration known as FedBizOpps.gov (or any successor site).

(8) **TERMINATION OF WAIVER AUTHORITY.**—A contracting officer may exercise the waiver authority under this subsection only after the date of the enactment of this Act and before July 1, 2008.

SEC. 832. STRATEGIC MATERIALS PROTECTION BOARD.

(a) **IN GENERAL.**—Chapter 7 of title 10, United States Code, is amended by adding at the end the following new section:

“§187. Strategic Materials Protection Board

“(a) **ESTABLISHMENT.**—(1) The Secretary of Defense shall establish a Strategic Materials Protection Board.

“(2) The Board shall be composed of the following:

“(A) The Secretary of Defense, who shall be the chairman of the Board.

“(B) The Under Secretary of Defense for Acquisition, Technology, and Logistics.

“(C) The Under Secretary of Defense for Intelligence.

“(D) The Secretary of the Army.

“(E) The Secretary of the Navy.

“(F) The Secretary of the Air Force.

“(b) **DUTIES.**—In addition to other matters assigned to it by the Secretary of Defense, the Board shall—

“(1) determine the need to provide a long term domestic supply of items designated as critical to national security to ensure that national defense needs are met;

“(2) analyze the risk associated with each item designated as critical to national security and the affect on national defense that the non-availability of such item from a domestic source would have;

“(3) recommend a strategy to the President to ensure the domestic availability of items designated as critical to national security;

“(4) recommend such other strategies to the President as the Board considers appropriate to strengthen the industrial base with respect to items critical to national security; and

“(5) publish, not less frequently than once every two years, in the Federal Register a list of items determined to be critical to national security, including a list of specialty metals determined to be critical to national security for purposes of section 2533b of this title (and referred to in section 2533b(1)(5) of such title).

“(c) **MEETINGS.**—The Board shall meet as determined necessary by the Secretary of Defense but not less frequently than once every two years to—

“(1) determine and publish a list of items critical to national security as described in subsection (b)(5); and

“(2) review items previously determined by the Board to be critical to national security, including specialty metals critical to national security for purposes of section 2533b of this title, to determine the appropriateness of their continuing classification as critical to national security.

“(d) **REPORTS.**—After each meeting of the Board, the Board shall prepare and submit to Congress a report containing the results of the meeting and such recommendations as the Board determines appropriate.

“(e) **REMOVAL OF ITEMS FROM LIST.**—The Board may not remove from the list referred to in subsection (b)(5) an item previously determined to be critical to national security by the Board until a period of 30 days expires after the Board submits to the congressional defense committees a written notification of the removal.”.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by adding at the end the following new item: “187. Strategic Materials Protection Board.”.

(c) **FIRST MEETING OF BOARD.**—The first meeting of the Strategic Materials Protection Board, established by section 187 of title 10, United States Code (as added by paragraph (1)) shall be not later than 180 days after the date of the enactment of this Act.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Department of Defense Management

Sec. 901. Standardization of statutory references to “national security system” within laws applicable to Department of Defense.

Sec. 902. Correction of reference to predecessor of Defense Information Systems Agency.

Sec. 903. Addition to membership of specified council.

Sec. 904. Consolidation and standardization of authorities relating to Department of Defense Regional Centers for Security Studies.

Sec. 905. Redesignation of the Department of the Navy as the Department of the Navy and Marine Corps.

Subtitle B—Space Activities

Sec. 911. Designation of successor organizations for the disestablished Interagency Global Positioning Executive Board.

Sec. 912. Extension of authority for pilot program for provision of space surveillance network services to non-United States Government entities.

Sec. 913. Operationally Responsive Space.

Subtitle C—Chemical Demilitarization Program

Sec. 921. Transfer to Secretary of the Army of responsibility for Assembled Chemical Weapons Alternatives Program.

Sec. 922. Comptroller General review of cost-benefit analysis of off-site versus on-site treatment and disposal of hydrolysate derived from neutralization of VX nerve gas at Newport Chemical Depot, Indiana.

Sec. 923. Sense of Congress regarding the safe and expeditious disposal of chemical weapons.

Subtitle D—Intelligence-Related Matters

Sec. 931. Repeal of termination of authority of Secretary of Defense to engage in commercial activities as security for intelligence collection activities abroad.

Subtitle A—Department of Defense Management

SEC. 901. STANDARDIZATION OF STATUTORY REFERENCES TO “NATIONAL SECURITY SYSTEM” WITHIN LAWS APPLICABLE TO DEPARTMENT OF DEFENSE.

(a) **DEFENSE BUSINESS SYSTEMS.**—Section 2222(j)(6) of title 10, United States Code, is amended by striking “in section 2315 of this title” and inserting “in section 3542(b)(2) of title 44”.

(b) **CHIEF INFORMATION OFFICER RESPONSIBILITIES.**—Section 2223(c)(3) of such title is amended by striking “section 11103 of title 40” and inserting “section 3542(b)(2) of title 44”.

(c) **PROCUREMENT OF AUTOMATIC DATA PROCESSING EQUIPMENT AND SERVICES.**—The text of section 2315 of such title is amended to read as follows:

“For purposes of subtitle III of title 40, the term ‘national security system’, with respect to a telecommunications and information system operated by the Department of Defense, has the meaning given that term by section 3542(b)(2) of title 44.”.

SEC. 902. CORRECTION OF REFERENCE TO PREDECESSOR OF DEFENSE INFORMATION SYSTEMS AGENCY.

Paragraph (1) of section 193(f) of title 10, United States Code, is amended to read as follows:

“(1) The Defense Information Systems Agency.”.

SEC. 903. ADDITION TO MEMBERSHIP OF SPECIFIED COUNCIL.

Section 179(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(5) The commander of the United States Strategic Command.”.

SEC. 904. CONSOLIDATION AND STANDARDIZATION OF AUTHORITIES RELATING TO DEPARTMENT OF DEFENSE REGIONAL CENTERS FOR SECURITY STUDIES.

(a) BASIC AUTHORITIES FOR REGIONAL CENTERS.—

(1) IN GENERAL.—Section 184 of title 10, United States Code, is amended to read as follows:

“§ 184. Regional Centers for Security Studies

“(a) IN GENERAL.—The Secretary of Defense shall administer the Department of Defense Regional Centers for Security Studies in accordance with this section as international venues for bilateral and multilateral research, communication, and exchange of ideas involving military and civilian participants.

“(b) REGIONAL CENTERS SPECIFIED.—(1) A Department of Defense Regional Center for Security Studies is a Department of Defense institution that—

“(A) is operated, and designated as such, by the Secretary of Defense for the study of security issues relating to a specified geographic region of the world; and

“(B) serves as a forum for bilateral and multilateral research, communication, and exchange of ideas involving military and civilian participants.

“(2) The Department of Defense Regional Centers for Security Studies are the following:

“(A) The George C. Marshall European Center for Security Studies, established in 1993 and located in Garmisch-Partenkirchen, Germany.

“(B) The Asia-Pacific Center for Security Studies, established in 1995 and located in Honolulu, Hawaii.

“(C) The Center for Hemispheric Defense Studies, established in 1997 and located in Washington, D.C.

“(D) The Africa Center for Strategic Studies, established in 1999 and located in Washington, D.C.

“(E) The Near East South Asia Center for Strategic Studies, established in 2000 and located in Washington, D.C.

“(3) No institution or element of the Department of Defense may be designated as a Department of Defense Regional Center for Security Studies for purposes of this section, other than the institutions specified in paragraph (2), except as specifically provided by law after the date of the enactment of this section.

“(c) REGULATIONS.—The administration of the Regional Centers under this section shall be carried out under regulations prescribed by the Secretary.

“(d) PARTICIPATION.—Participants in activities of the Regional Centers may include United States military and civilian personnel, governmental and nongovernmental personnel, and foreign military and civilian, governmental and nongovernmental personnel.

“(e) EMPLOYMENT AND COMPENSATION OF FACULTY.—At each Regional Center, the Secretary may, subject to appropriations—

“(1) employ a Director, a Deputy Director, and as many civilians as professors, instructors, and lecturers as the Secretary considers necessary; and

“(2) prescribe the compensation of such persons, in accordance with Federal guidelines.

“(f) PAYMENT OF COSTS.—(1) Participation in activities of a Regional Center shall be on a re-

imbursable basis (or by payment in advance), except in a case in which reimbursement is waived in accordance with paragraph (3).

“(2) For a foreign national participant, payment of costs may be made by the participant, the participant's own government, by a Department or agency of the United States other than the Department of Defense, or by a gift or donation on behalf of one or more Regional Centers accepted under section 2611 of this title on behalf of the participant's government.

“(3) The Secretary of Defense may waive reimbursement of the costs of activities of the Regional Centers for foreign military officers and foreign defense and security civilian government officials from a developing country if the Secretary determines that attendance of such personnel without reimbursement is in the national security interest of the United States. Costs for which reimbursement is waived pursuant to this paragraph shall be paid from appropriations available to the Regional Centers.

“(4) Funds accepted for the payment of costs shall be credited to the appropriation then currently available to the Department of Defense for the Regional Center that incurred the costs. Funds so credited shall be merged with the appropriation to which credited and shall be available to that Regional Center for the same purposes and same period as the appropriation with which merged.

“(5) Funds available for the payment of personnel expenses under the Latin American cooperation authority set forth in section 1050 of this title are also available for the costs of the operation of the Center for Hemispheric Defense Studies.

“(g) SUPPORT TO OTHER AGENCIES.—The Director of a Regional Center may enter into agreements with the Secretaries of the military departments, the heads of the Defense Agencies, and, with the concurrence of the Secretary of Defense, the heads of other Federal departments and agencies for the provision of services by that Regional Center under this section. Any such participating department and agency shall transfer to the Regional Center funds to pay the full costs of the services received.

“(h) ANNUAL REPORT.—Not later than February 1 of each year, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the operation of the Regional Centers for security studies during the preceding fiscal year. The annual report shall include, for each Regional Center, the following information:

“(1) The status and objectives of the center.

“(2) The budget of the center, including the costs of operating the center.

“(3) A description of the extent of the international participation in the programs of the center, including the costs incurred by the United States for the participation of each foreign nation.

“(4) A description of the foreign gifts and donations, if any, accepted under section 2611 of this title.”.

(2) CLERICAL AMENDMENT.—The item relating to such section in the table of sections at the beginning of chapter 7 of such title is amended to read as follows:

“184. Regional Centers for Security Studies.”.

(b) CONFORMING AMENDMENTS.—

(1) EMPLOYMENT AND COMPENSATION AUTHORITY FOR CIVILIAN FACULTY.—Section 1595 of title 10, United States Code, is amended—

(A) in subsection (c)—

(i) by striking paragraphs (3) and (5); and

(ii) by redesignating paragraphs (4) and (6) as paragraphs (3) and (4), respectively; and

(B) by striking subsection (e).

(2) STATUS OF CENTER FOR HEMISPHERIC DEFENSE STUDIES.—Section 2165 of title 10, United States Code, is amended—

(A) in subsection (b)—

(i) by striking paragraph (6); and

(ii) by redesignating paragraph (7) as paragraph (6); and

(B) by striking subsection (c).

SEC. 905. REDESIGNATION OF THE DEPARTMENT OF THE NAVY AS THE DEPARTMENT OF THE NAVY AND MARINE CORPS.

(a) REDESIGNATION OF MILITARY DEPARTMENT.—The military department designated as the Department of the Navy is redesignated as the Department of the Navy and Marine Corps.

(b) REDESIGNATION OF SECRETARY AND OTHER STATUTORY OFFICES.—

(1) SECRETARY.—The position of the Secretary of the Navy is redesignated as the Secretary of the Navy and Marine Corps.

(2) OTHER STATUTORY OFFICES.—The positions of the Under Secretary of the Navy, the four Assistant Secretaries of the Navy, and the General Counsel of the Department of the Navy are redesignated as the Under Secretary of the Navy and Marine Corps, the Assistant Secretaries of the Navy and Marine Corps, and the General Counsel of the Department of the Navy and Marine Corps, respectively.

(c) CONFORMING AMENDMENTS TO TITLE 10, UNITED STATES CODE.—

(1) DEFINITION OF “MILITARY DEPARTMENT”.—Paragraph (8) of section 101(a) of title 10, United States Code, is amended to read as follows:

“(8) The term ‘military department’ means the Department of the Army, the Department of the Navy and Marine Corps, and the Department of the Air Force.”.

(2) ORGANIZATION OF DEPARTMENT.—The text of section 5011 of such title is amended to read as follows: “The Department of the Navy and Marine Corps is separately organized under the Secretary of the Navy and Marine Corps.”.

(3) POSITION OF SECRETARY.—Section 5013(a)(1) of such title is amended by striking “There is a Secretary of the Navy” and inserting “There is a Secretary of the Navy and Marine Corps”.

(4) CHAPTER HEADINGS.—

(A) The heading of chapter 503 of such title is amended to read as follows:

“CHAPTER 503—DEPARTMENT OF THE NAVY AND MARINE CORPS”.

(B) The heading of chapter 507 of such title is amended to read as follows:

“CHAPTER 507—COMPOSITION OF THE DEPARTMENT OF THE NAVY AND MARINE CORPS”.

(5) OTHER AMENDMENTS.—

(A) Title 10, United States Code, is amended by striking “Department of the Navy” and “Secretary of the Navy” each place they appear other than as specified in paragraphs (1), (2), (3), and (4) (including in section headings, subsection captions, tables of chapters, and tables of sections) and inserting “Department of the Navy and Marine Corps” and “Secretary of the Navy and Marine Corps”, respectively, in each case with the matter inserted to be in the same typeface and typestyle as the matter stricken.

(B)(i) Sections 5013(f), 5014(b)(2), 5016(a), 5017(2), 5032(a), and 5042(a) of such title are amended by striking “Assistant Secretaries of the Navy” and inserting “Assistant Secretaries of the Navy and Marine Corps”.

(ii) The heading of section 5016 of such title, and the item relating to such section in the table of sections at the beginning of chapter 503 of such title, are each amended by inserting “and Marine Corps” after “of the Navy”, with the matter inserted in each case to be in the same typeface and typestyle as the matter amended.

(d) TITLE 37, UNITED STATES CODE.—Title 37, United States Code, is amended by striking “Department of the Navy” and “Secretary of the Navy” each place they appear and inserting “Department of the Navy and Marine Corps” and “Secretary of the Navy and Marine Corps”, respectively.

(e) OTHER REFERENCES.—Any reference in any law other than in title 10 or title 37, United

States Code, or in any regulation, document, record, or other paper of the United States, to the Department of the Navy shall be considered to be a reference to the Department of the Navy and Marine Corps. Any such reference to an office specified in subsection (b)(2) shall be considered to be a reference to that office as redesignated by that subsection.

(f) **EFFECTIVE DATE.**—This section and the amendments made by this section shall take effect on the first day of the first month beginning more than 60 days after the date of the enactment of this Act.

Subtitle B—Space Activities

SEC. 911. DESIGNATION OF SUCCESSOR ORGANIZATIONS FOR THE DISESTABLISHED INTERAGENCY GLOBAL POSITIONING EXECUTIVE BOARD.

(a) **SUCCESSOR ORGANIZATIONS.**—Section 8 of the Commercial Space Transportation Competitiveness Act of 2000 (10 U.S.C. 2281 note) is amended by striking “by Congress” and all that follows and inserting “for the functions and activities of the following organizations established pursuant to the national security presidential directive issued December 8, 2004 (and any successor organization, to the extent the successor organization performs the functions of the specified organization):

“(1) The interagency committee known as the National Space-Based Positioning, Navigation, and Timing Executive Committee.

“(2) The support office for the committee specified in paragraph (1) known as the National Space-Based Positioning, Navigation, and Timing Coordination Office.

“(3) The Federal advisory committee known as the National Space-Based Positioning, Navigation, and Timing Advisory Board.”.

(b) **CLARIFICATION.**—Such section is further amended by striking “interagency funding” and inserting “multi-agency funding”.

SEC. 912. EXTENSION OF AUTHORITY FOR PILOT PROGRAM FOR PROVISION OF SPACE SURVEILLANCE NETWORK SERVICES TO NON-UNITED STATES GOVERNMENT ENTITIES.

Section 2274(i) of title 10, United States Code, is amended by striking “shall be conducted” and all that follows and inserting “may be conducted through September 30, 2009.”.

SEC. 913. OPERATIONALLY RESPONSIVE SPACE.

(a) **OPERATIONALLY RESPONSIVE SPACE PROGRAM OFFICE.**—

(1) **ESTABLISHMENT OF OFFICE.**—Section 2273a of title 10, United States Code, is amended to read as follows:

“§2273a. Operationally Responsive Space Program Office

“(a) **ESTABLISHMENT OF OFFICE.**—(1) The Secretary of Defense shall establish within the Department of Defense an office to be known as the Operationally Responsive Space Program Office.

“(2) The head of the Office shall be the official in the Department of Defense who is designated by the Secretary of Defense as the Department of Defense Executive Agent for Space.

“(b) **MISSION.**—The mission of the Office shall be to contribute to the development of low-cost, rapid reaction payloads, spacelift, and launch control capabilities in order to fulfill joint military operational requirements for on-demand space support or reconstitution. The Office shall manage the program element required under subsection (g).

“(c) **ORGANIZATION.**—The Office shall be organized into integrated and co-located elements that include the following:

“(1) A science and technology section, which shall perform the functions specified in subsection (d).

“(2) An operations section, which shall perform the functions specified in subsection (e).

“(3) An acquisition section, which shall perform the functions specified in subsection (f).

“(d) **SCIENCE AND TECHNOLOGY.**—As directed by the head of the Office, the science and tech-

nology section shall pursue innovative approaches to the development of capabilities for operationally responsive space through basic and applied research focused on (but not limited to) payloads, bus, and launch equipment.

“(e) **OPERATIONS.**—As directed by the head of the Office, the operations section shall serve as the primary intermediary between the Office and the combatant commands in order to—

“(1) ascertain the needs of the warfighter; and

“(2) integrate operationally responsive space capabilities into—

“(A) operations plans of the combatant commands;

“(B) techniques, tactics, and procedures of the military departments; and

“(C) military exercises, demonstrations, and war games.

“(f) **ACQUISITION.**—(1) As directed by the head of the Office, the acquisition section shall undertake the acquisition of systems necessary to integrate, sustain, and launch assets for operationally responsive space.

“(2) In the case of any system or subsystem to be acquired by the Office, the acquisition may be carried out only after the commander of the United States Strategic Command has validated the system requirements for the system or subsystem to be acquired.

“(3) The commander of the United States Strategic Command shall participate in the approval of any acquisition program initiated by the Office.

“(g) **REQUIRED PROGRAM ELEMENT.**—(1) The Secretary of Defense shall ensure that, within budget program elements for space programs of the Department of Defense—

“(A) that there is a separate, dedicated program element for operationally responsive national security payloads and buses of the Department of Defense for space satellites; and

“(B) that programs and activities for such payloads and buses are planned, programmed, and budgeted for through that program element.

“(2) In this subsection, the term ‘operationally responsive’, with respect to a national security payload and bus for a space satellite, means an experimental or operational payload and bus with a weight not in excess of 5,000 pounds that—

“(A) can be developed and acquired within 18 months after authority to proceed with development is granted; and

“(B) is responsive to requirements for capabilities at the operational and tactical levels of warfare.”.

(2) **CLERICAL AMENDMENT.**—The item relating to that section in the table of sections at the beginning of chapter 135 of such title is amended to read as follows:

“2273a. Operationally Responsive Space Program Office.”.

(b) **PLAN FOR OPERATIONALLY RESPONSIVE SPACE.**—

(1) **PLAN REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth a plan for the acquisition by the Department of Defense of capabilities for operationally responsive space to support the warfighter.

(2) **ELEMENTS.**—The plan required by paragraph (1) shall include the following:

(A) An identification of the capabilities required by the Department to fulfill the mission of the Department with respect to operationally responsive space.

(B) An identification of the roles and missions of each military department, Defense Agency, and other component or element of the Department of Defense for the fulfillment of the mission of the Department with respect to operationally responsive space.

(C) A description of the chain of command and reporting structure of the Operationally Responsive Space Program Office established

under section 2273a of title 10, United States Code, as amended by subsection (a).

(D) A description of the classification of information required for that Office in order to ensure that the Office carries out its responsibilities in a proper and efficient manner.

(E) A description of the acquisition policies and procedures applicable to that Office, including a description of any legislative or administrative action necessary to provide the Office additional acquisition authority to carry out its responsibilities.

(F) A complete schedule for the implementation of the plan.

(G) The funding required to implement the plan over the course of the future-years defense program under section 221 of title 10, United States Code, in effect as of the submission of the plan.

(3) **DEFINITION.**—In this subsection, the term “operationally responsive space” means the development and launch of space assets upon demand in a low-cost manner.

Subtitle C—Chemical Demilitarization Program

SEC. 921. TRANSFER TO SECRETARY OF THE ARMY OF RESPONSIBILITY FOR ASSEMBLED CHEMICAL WEAPONS ALTERNATIVES PROGRAM.

Effective January 1, 2007, the text of section 142 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 50 U.S.C. 1521 note) is amended to read as follows:

“(a) **PROGRAM MANAGEMENT.**—(1) The program manager for the Assembled Chemical Weapons Alternatives program shall report to the Secretary of the Army.

“(2) The Secretary of the Army shall provide for that program to be managed as part of the management organization within the Department of the Army specified in section 1412(e) of Public Law 99-145 (50 U.S.C. 1521(e)).

“(b) **CONTINUED IMPLEMENTATION OF PREVIOUSLY SELECTED ALTERNATIVE TECHNOLOGIES.**—(1) In carrying out the destruction of lethal chemical munitions at Pueblo Chemical Depot, Colorado, the Secretary of the Army shall continue to implement fully the alternative technology for such destruction at that depot selected by the Under Secretary of Defense for Acquisition, Technology, and Logistics on July 16, 2002.

“(2) In carrying out the destruction of lethal chemical munitions at Blue Grass Army Depot, Kentucky, the Secretary of the Army shall continue to implement fully the alternative technology for such destruction at that depot selected by the Under Secretary of Defense for Acquisition, Technology, and Logistics on February 3, 2003.”.

SEC. 922. COMPTROLLER GENERAL REVIEW OF COST-BENEFIT ANALYSIS OF OFF-SITE VERSUS ON-SITE TREATMENT AND DISPOSAL OF HYDROLYSATE DERIVED FROM NEUTRALIZATION OF VX NERVE GAS AT NEWPORT CHEMICAL DEPOT, INDIANA.

(a) **REVIEW REQUIRED.**—Not later than December 1, 2006, the Comptroller General shall submit to Congress a report containing a review of the cost-benefit analysis prepared by the Secretary of the Army entitled “Cost-Benefit Analysis of Off-Site Versus On-Site Treatment and Disposal of Newport Caustic Hydrolysate” and dated April 24, 2006.

(b) **CONTENT OF REVIEW.**—In conducting the review under subsection (a), the Comptroller General shall consider and assess at a minimum the following matters:

(1) The adequacy of the rationale contained in the cost-benefit analysis referred to in subsection (a) in dismissing five of the eight technologies for hydrolysate treatment directed for consideration on page 116 of the Report of the Committee on Armed Services of the House of Representatives on H.R. 1815 (House Report 109-89).

(2) The rationale for the failure of the Secretary of the Army to consider other technical solutions, such as constructing a wastewater disposal system at the Newport Chemical Depot.

(3) The adequacy of the cost-benefit analysis presented for the three technologies considered.

(c) **DELAY PENDING REPORT.**—The Secretary of the Army shall not proceed with any action to transport or relocate neutralized bulk nerve agent (other than those small quantities necessary for laboratory evaluation of the disposal process) from the Newport Chemical Depot until—

(1) the report required by subsection (a) is submitted; and

(2) a period of 60 days expires after the submission of the report.

SEC. 923. SENSE OF CONGRESS REGARDING THE SAFE AND EXPEDITIOUS DISPOSAL OF CHEMICAL WEAPONS.

(a) **FINDINGS.**—Congress makes the following findings:

(1) The disposal of chemical weapons needs to be accomplished as safely and expeditiously as possible.

(2) It is apparent, however, that any disposal method for chemical weapons that involves the transportation of chemical munitions or processed chemical munitions is difficult to implement

(b) **SENSE OF CONGRESS.**—In light of these findings, it is the sense of Congress that, when chemical munitions or processed chemical munitions are proposed for treatment or disposal at a location remote from the location where the munitions are stored—

(1) the method of actually selecting the disposal location should be free from political interference; and

(2) a process like that used for selecting and approving military installations for closure or realignment should be considered.

Subtitle D—Intelligence-Related Matters

SEC. 931. REPEAL OF TERMINATION OF AUTHORITY OF SECRETARY OF DEFENSE TO ENGAGE IN COMMERCIAL ACTIVITIES AS SECURITY FOR INTELLIGENCE COLLECTION ACTIVITIES ABROAD.

Section 431(a) of title 10, United States Code, is amended by striking the last sentence.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

Sec. 1001. General transfer authority.

Sec. 1002. Authorization of supplemental appropriations for fiscal year 2006.

Sec. 1003. Increase in fiscal year 2006 general transfer authority.

Sec. 1004. United States contribution to NATO common-funded budgets in fiscal year 2007.

Sec. 1005. Report on budgeting for fluctuations in fuel cost rates.

Sec. 1006. Reduction in authorizations due to savings resulting from lower-than-expected inflation.

Subtitle B—Policy Relating to Vessels and Shipyards

Sec. 1011. Transfer of naval vessels to foreign nations based upon vessel class.

Sec. 1012. Overhaul, repair, and maintenance of vessels in foreign shipyards.

Sec. 1013. Report on options for future lease arrangement for Guam Shipyard.

Sec. 1014. Shipbuilding Industrial Base Improvement Program.

Sec. 1015. Transfer of operational control of certain patrol coastal ships to Coast Guard.

Sec. 1016. Limitation on leasing of foreign-built vessels.

Sec. 1017. Overhaul, repair, and maintenance of vessels carrying Department of Defense cargo.

Sec. 1018. Riding gang member documentation requirement.

Subtitle C—Counter-Drug Activities

Sec. 1021. Restatement in title 10, United States Code, and revision of Department of Defense authority to provide support for counter-drug activities of Federal, State, local, and foreign law enforcement agencies.

Sec. 1022. Restatement in title 10, United States Code, and revision of Department of Defense authority to provide support for counter-drug activities of certain foreign governments.

Sec. 1023. Extension of authority to support unified counterdrug and counterterrorism campaign in Colombia.

Sec. 1024. Continuation of reporting requirement regarding Department of Defense expenditures to support foreign counter-drug activities.

Sec. 1025. Report on interagency counter-narcotics plan for Afghanistan and South and Central Asian regions.

Subtitle D—Other Matters

Sec. 1031. Revision to authorities relating to Commission on the implementation of the New Strategic Posture of the United States.

Sec. 1032. Enhancement to authority to pay rewards for assistance in combating terrorism.

Sec. 1033. Report on assessment process of Chairman of the Joint Chiefs of Staff relating to Global War on Terrorism.

Sec. 1034. Presidential report on improving interagency support for United States 21st century national security missions.

Sec. 1035. Quarterly reports on implementation of 2006 Quadrennial Defense Review Report.

Sec. 1036. Increased hunting and fishing opportunities for members of the Armed Forces, retired members, and disabled veterans.

Sec. 1037. Technical and clerical amendments.

Sec. 1038. Database of emergency response capabilities.

Sec. 1039. Information on certain criminal investigations and prosecutions.

Sec. 1040. Date for final report of EMP Commission.

Subtitle A—Financial Matters

SEC. 1001. GENERAL TRANSFER AUTHORITY.

(a) **AUTHORITY TO TRANSFER AUTHORIZATIONS.**—

(1) **AUTHORITY.**—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 2007 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) **LIMITATION.**—The total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed \$3,750,000,000.

(b) **LIMITATIONS.**—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) **EFFECT ON AUTHORIZATION AMOUNTS.**—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) **NOTICE TO CONGRESS.**—The Secretary shall promptly notify Congress of each transfer made under subsection (a).

SEC. 1002. AUTHORIZATION OF SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2006.

Amounts authorized to be appropriated to the Department of Defense and the Department of Energy for fiscal year 2006 in the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163) are hereby adjusted, with respect to any such authorized amount, by the amount by which appropriations pursuant to such authorization are increased by a supplemental appropriation or decreased by a rescission, or both, or are increased by a transfer of funds, pursuant to an emergency supplemental appropriations Act for 2006.

SEC. 1003. INCREASE IN FISCAL YEAR 2006 GENERAL TRANSFER AUTHORITY.

Section 1001(a)(2) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3418) is amended by striking “\$3,500,000,000” and inserting “\$3,750,000,000”.

SEC. 1004. UNITED STATES CONTRIBUTION TO NATO COMMON-FUNDED BUDGETS IN FISCAL YEAR 2007.

(a) **FISCAL YEAR 2007 LIMITATION.**—The total amount contributed by the Secretary of Defense in fiscal year 2007 for the common-funded budgets of NATO may be any amount up to, but not in excess of, the amount specified in subsection (b) (rather than the maximum amount that would otherwise be applicable to those contributions under the fiscal year 1998 baseline limitation).

(b) **TOTAL AMOUNT.**—The amount of the limitation applicable under subsection (a) is the sum of the following:

(1) The amounts of unexpended balances, as of the end of fiscal year 2006, of funds appropriated for fiscal years before fiscal year 2007 for payments for those budgets.

(2) The amount specified in subsection (c)(1).

(3) The amount specified in subsection (c)(2).

(4) The total amount of the contributions authorized to be made under section 2501.

(c) **AUTHORIZED AMOUNTS.**—Amounts authorized to be appropriated by titles II and III of this Act are available for contributions for the common-funded budgets of NATO as follows:

(1) Of the amount provided in section 201(1), \$797,000 for the Civil Budget.

(2) Of the amount provided in section 301(1), \$310,277,000 for the Military Budget.

(d) **DEFINITIONS.**—For purposes of this section:

(1) **COMMON-FUNDED BUDGETS OF NATO.**—The term “common-funded budgets of NATO” means the Military Budget, the Security Investment Program, and the Civil Budget of the North Atlantic Treaty Organization (and any successor or additional account or program of NATO).

(2) **FISCAL YEAR 1998 BASELINE LIMITATION.**—The term “fiscal year 1998 baseline limitation” means the maximum annual amount of Department of Defense contributions for common-funded budgets of NATO that is set forth as the annual limitation in section 3(2)(C)(ii) of the resolution of the Senate giving the advice and consent of the Senate to the ratification of the Protocols to the North Atlantic Treaty of 1949 on the Accession of Poland, Hungary, and the Czech Republic (as defined in section 4(7) of that resolution), approved by the Senate on April 30, 1998.

SEC. 1005. REPORT ON BUDGETING FOR FLUCTUATIONS IN FUEL COST RATES.

(a) **SECRETARY OF DEFENSE REPORT.**—

(1) **REPORT ON BUDGETING FOR FUEL COST FLUCTUATIONS.**—Not later than January 15, 2007, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the fuel rate and cost projection used in the annual Department of Defense budget presentation.

(2) **MATTERS TO BE INCLUDED.**—In the report under paragraph (1), the Secretary shall—

(A) identify alternative approaches for selecting fuel rates that would produce more realistic estimates of amounts required to be appropriated or otherwise made available for the Department of Defense to accommodate fuel rate fluctuations;

(B) discuss the advantages and disadvantages of each approach identified pursuant to subparagraph (A); and

(C) identify the Secretary's preferred approach among the alternative identified pursuant to subparagraph (A) and provide the Secretary's rationale for preferring that approach.

(3) **IDENTIFICATION OF ALTERNATIVE APPROACHES.**—In identifying alternative approaches pursuant to paragraph (2)(A), the Secretary shall examine—

(A) approaches used by other Federal departments and agencies; and

(B) the feasibility of using private economic forecasting.

(b) **COMPTROLLER GENERAL REVIEW AND REPORT.**—The Comptroller General shall review the report under subsection (a), including the basis for the Secretary's conclusions stated in the report, and shall submit, not later than March 15, 2007, to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report containing the results of that review.

SEC. 1006. REDUCTION IN AUTHORIZATIONS DUE TO SAVINGS RESULTING FROM LOWER-THAN-EXPECTED INFLATION.

(a) **REDUCTION.**—The total amount authorized to be appropriated by titles I, II, and III is the amount equal to the sum of the separate amounts authorized to be appropriated by those titles reduced by \$1,583,000,000.

(b) **SOURCE OF SAVINGS.**—Reduction required in order to comply with subsection (a) shall be derived from savings resulting from lower-than-expected inflation.

(c) **ALLOCATION OF REDUCTION.**—The Secretary of Defense shall allocate the reduction required by subsection (a) among the amounts authorized to be appropriated for accounts in title I, II, and III to reflect the extent to which net savings from lower-than-expected inflation are allocable to amounts authorized to be appropriated to those accounts.

Subtitle B—Policy Relating to Vessels and Shipyards

SEC. 1011. TRANSFER OF NAVAL VESSELS TO FOREIGN NATIONS BASED UPON VESSEL CLASS.

Section 7307(a) of title 10, United States Code, is amended—

(1) by striking “disposition of that vessel is approved” and inserting “disposal of that vessel, or of a vessel of the class of that vessel, is authorized”; and

(2) by adding at the end the following new sentences: “In the case of an authorization by law for the disposal of such a vessel that names a specific vessel as being authorized for such disposal, the Secretary of Defense may substitute another vessel of the same class, if the vessel substituted has virtually identical capabilities as the named vessel. In the case of an authorization by law for the disposal of vessels of a specified class, the Secretary may dispose of vessels of that class pursuant to that authorization only in the number of such vessels specified in that law as being authorized for disposal.”.

SEC. 1012. OVERHAUL, REPAIR, AND MAINTENANCE OF VESSELS IN FOREIGN SHIPYARDS.

(a) **IN GENERAL.**—Section 7310 of title 10, United States Code, is amended to read as follows:

“§ 7310. Overhaul, repair, etc. of vessels in foreign shipyards

“(a) **IN GENERAL.**—A vessel covered by this section the homeport of which is in the United

States may not be overhauled, repaired, or maintained in a shipyard outside the United States, other than in the case of emergency voyage repairs.

“(b) **COVERED VESSELS.**—(1) Vessels covered by this section are the following:

“(A) Any naval vessel.

“(B) Any other vessel under the jurisdiction of the Secretary of the Navy, including any vessel under the jurisdiction of the Military Sealift Command that is owned or chartered by the United States.

“(2)(A) Notwithstanding paragraph (1), a naval vessel or other vessel certified by the Secretary of the Navy that is deployed conducting special mission operations is not subject to this section.

“(B) The Secretary of the Navy shall submit to the congressional defense committees each year a written certification of those vessels that are excluded from this section. The certification shall be submitted each year with the annual submission of the Navy budget justification materials.

“(c) **CERTAIN VESSELS TO BE CONSIDERED TO BE HOMEPORTED IN UNITED STATES.**—In the case of a vessel that does not have a designated homeport, the vessel shall be considered to have a homeport in the United States for the purposes of this section if any of the following applies to the vessel during the preceding 12-month period:

“(1) The vessel has operated within 1,400 nautical miles of the United States.

“(2) The vessel has returned to the United States more than two times.

“(3) The vessel has made a port call or return to the United States that exceeded seven days.

“(d) **VESSEL CHANGING HOMEPORTS.**—(1) In the case of a vessel covered by this section the homeport of which is not in the United States, the Secretary of the Navy may not during the 15-month period preceding the planned reassignment of the vessel to a homeport in the United States begin any work for the overhaul, repair, or maintenance of the vessel that is scheduled to be for a period of more than six months

“(2) In the case of a vessel covered by this section the homeport of which is in the United States, the Secretary of the Navy shall—

“(A) not less than 60 days before designating a homeport for that vessel at a location outside the United States, submit to Congress notification in writing of the intent to designate a homeport for that vessel outside the United States, together with the reasons for that designation; and

“(B) during the 15-month period preceding the planned reassignment of the vessel to a homeport not in the United States, perform in the United States any work for the overhaul, repair, or maintenance of the vessel that is scheduled—

“(i) to begin during the 15-month period; and

“(ii) to be for a period of more than six months.

“(e) **DEFINITIONS.**—In this section:

“(1)(A) The term ‘emergency voyage repair’

means the following:

“(i) Repairs on mission-essential or safety-essential items that are needed for a vessel to deploy, to continue on a deployment, or to comply with regulatory requirements.

“(ii) Standard maintenance, but only to the extent that such maintenance is absolutely necessary to ensure machinery and equipment operational reliability or to comply with regulatory requirements.

“(iii) Repair or maintenance that is not executed with a contract request for proposal.

“(B) Such term does not include corrective maintenance actions that may be deferred until the next scheduled regular overhaul and dry docking availability at a shipyard in the United States without degrading operational readiness, habitability standards, or personnel safety or adversely affecting regulatory compliance.

“(2) The term ‘United States’, when used in a geographic sense, includes the Commonwealth of Puerto Rico, the Commonwealth of the North-

ern Mariana Islands, Guam, and the Virgin Islands.”.

(b) **EFFECTIVE DATE.**—Subsection (c) of section 7310 of title 10, United States Code, as amended by subsection (a), shall take effect on October 1, 2006, or the date of the enactment of this Act, whichever is later, and shall apply only with respect to events specified in paragraphs (1), (2), and (3) of that subsection occurring on or after that effective date.

(c) **LIMITATION ON APPLICATION TO VESSEL OPERATING UNDER EXISTING CHARTER.**—This section does not affect the application of section 7310 of title 10, United States Code, to a vessel operating under a charter to the United States in effect on the date of the enactment of this Act, unless such charter is terminated or renewed after such date of enactment.

SEC. 1013. REPORT ON OPTIONS FOR FUTURE LEASE ARRANGEMENT FOR GUAM SHIPYARD.

(a) **REPORT REQUIRED.**—Not later than December 15, 2006, the Secretary of the Navy shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report describing the options available with respect to the Guam Shipyard in Santa Rita, Guam.

(b) **CONTENTS OF REPORT.**—The report required under subsection (a) shall include the following:

(1) An evaluation of the performance of the entities that, as of the date of the enactment of this Act, are the lessee and operators of the Guam Shipyard under the terms of the lease in effect on the date of the enactment of this Act.

(2) An evaluation of each of the following options with respect to the Guam Shipyard lease:

(A) Terminating the remaining term of the lease and issuing a new 25 year lease with the same entity.

(B) Terminating the remaining term of the lease with respect to the approximately 73 acres within the Guam Shipyard that are required for mission requirements and leaving the remaining term of the lease in effect with respect to the approximately 27 acres within the Facility that are not required for mission requirements.

(C) Terminating the remaining term of the lease and negotiating a new use arrangement with a different lessee or operator. The new use arrangement options shall include:

(i) Government-owned and government-operated facility.

(ii) Government-owned and contractor-operated facility.

(iii) Government-leased property for contractor-owned and contractor-operated facility.

(c) **OPTIONS FOR NEW USE ARRANGEMENTS.**—In evaluating the options under subsection (b)(2)(C), the Secretary of the Navy shall include an evaluation of each of the following:

(1) The anticipated future military vessel repair and workload on Guam in relation to the 2006 Quadrennial Defense Review, issued on February 6, 2006, pursuant to section 118 of title 10, United States Code.

(2) The anticipated military vessel repair and workload attributable to vessels comprising the Maritime Prepositioning Ship Squadron Three.

(3) The anticipated military vessel repair and workload due to a change in section 7310 of title 10, United States Code, that would designate Guam as a United States homeport facility.

(4) The expected workload if the submarine tender the U.S.S. Frank Cable (AS-40) is decommissioned.

(5) The estimated reacquisition costs of transferred Government property.

(6) Costs to improve floating dry dock mooring certification and required nuclear certification for the floating dry dock designated as AFDB-8 to conduct the following maintenance:

(A) Dry-docking selected restricted availabilities and mid-term availability for attack submarines.

(B) Dry-docking phased maintenance availabilities for amphibious vessels, including to amphibious assault ships, dock landing ships, and amphibious transport dock ships.

(C) Dry-docking phased maintenance availabilities for surface combatants, including cruisers, destroyers, and frigates.

(7) Commercial opportunities for development to expand commercial ship repair and general industrial services, given anti-terrorism force protection requirements at the current facility.

(8) Estimates from three contractors for the maintenance and repair costs associated with executing a multiship, multioption contract that would generate a minimum 60,000 manday commitment for the Department of the Navy and Military Sealift Command vessels.

(9) A projection of the maintenance and repair costs associated with executing a minimum 60,000 mandays for the Department of the Navy and Military Sealift Command vessels as a Government-owned and Government-operated Navy ship repair facility.

(d) INPUT FROM CONTRACTORS.—In evaluating the options under clauses (ii) and (iii) of subsection (b)(2)(C) for the purposes of paragraphs (1), (2), and (3) of subsection (c), the Secretary of the Navy shall seek input from at least three contractors on the viability of operations based on the projected workload fiscal years 2008 through 2013.

(e) RECOMMENDATIONS.—The Secretary of the Navy shall include in the report the following:

(1) The recommendations of the Secretary with respect to continuation of the existing Guam Shipyard lease based on evaluations conducted pursuant to subsection (b)(1).

(2) The option under subsection (b)(2) that the Secretary recommends for fiscal year 2008.

(f) GAO REPORT.—Not later than March 1, 2007, the Comptroller General shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Service of the House of Representatives a report evaluating the report submitted by the Secretary of the Navy under subsection (a). The report shall include the option under subsection (b)(2) that the Secretary recommends for fiscal year 2008.

(g) SUPPORT FOR NATIONAL STRATEGIC OBJECTIVES.—For fiscal year 2007, the Secretary of the Navy, under the authority of section 2304(c)(3) of title 10, United States Code, and section 6.302-3(a)(2)(i) of the Federal Acquisition Regulation, shall award contracts to the Guam Shipyard in amounts equal to the average amount of the mandays contracts awarded to the Guam Shipyard for fiscal years 1998 through 2006 for the purpose of maintaining the industrial base in case of a national emergency or to achieve industrial mobilization.

SEC. 1014. SHIPBUILDING INDUSTRIAL BASE IMPROVEMENT PROGRAM.

(a) PROGRAM FOR UNITED STATES PRIVATE SHIPYARDS.—The Secretary of the Navy shall establish a program, to be known as the Shipbuilding Industrial Base Improvement Program, under which the Secretary—

(1) shall make grants to qualified applicants to facilitate the development of innovative design and production technologies and processes for naval vessel construction and the development of modernized shipbuilding infrastructure; and

(2) shall provide loan guarantees for qualifying shipyards to facilitate the acquisition by such shipyards of technologies, processes, and infrastructure to improve their productivity and cost effectiveness.

(b) PURPOSES OF PROGRAM.—The purposes of the program established under subsection (a) are—

(1) to improve the efficiency and cost-effectiveness of the construction of naval vessels for the United States;

(2) to enhance the quality of naval vessel construction; and

(3) to promote the international competitiveness of United States shipyards for the construction of commercial ships and naval ships intended for sale to foreign governments.

(c) SELECTION OF GRANT RECIPIENTS.—

(1) APPLICATION FOR DEVELOPMENT FUNDING.—An entity requesting a grant under sub-

section (a)(1) to develop new design or production technologies or processes for naval vessels or to improve shipbuilding infrastructure shall submit to the Secretary of the Navy an application that describes the proposal of the entity and provides evidence of its capability to develop one or more of the following:

(A) Numerically controlled machine tools, robots, automated process control equipment, computerized flexible manufacturing systems, associated computer software, and other technology designed to improve shipbuilding and related industrial productivity.

(B) Novel techniques and processes designed to improve shipbuilding quality, productivity, and practice on a broad and sustained basis, including in such areas as engineering design, quality assurance, concurrent engineering, continuous process production technology, employee skills enhancement, and management of customers and suppliers.

(C) Technology, techniques, and processes appropriate to enhancing the productivity of shipyard infrastructure.

(2) SELECTION.—From applications submitted under paragraph (1), the Secretary of the Navy shall select entities to receive funds under subsection (a)(1) based on their ability to research and develop innovative technologies, processes, and infrastructure to alleviate areas of shipyard construction inefficiencies as determined through the assessment described in subsection (f).

(d) MATCHING REQUIREMENT FOR GRANTS.—

(1) FEDERAL FUNDING.—Except as provided in paragraph (2), Federal funds from a grant under subsection (a)(1) for any purpose shall not exceed 75 percent of the total cost.

(2) EXCEPTIONS.—

(A) SMALL PROJECTS.—Paragraph (1) shall not apply to grants under this section for stand-alone projects costing not more than \$25,000. The amount under this subparagraph shall be indexed to the consumer price index and modified each fiscal year after the annual publication of the consumer price index.

(B) REDUCTION IN MATCHING REQUIREMENT.—If the Secretary of the Navy determines that a proposed project merits support and cannot be undertaken without a higher percentage of Federal financial assistance, the Secretary may award a grant for such project with a lesser matching requirement than is described in paragraph (1).

(e) LOAN GUARANTEES FOR SHIPYARD USE OF DEVELOPED TECHNOLOGIES, PROCESSES, AND INFRASTRUCTURE.—

(1) IN GENERAL.—Upon making a determination that a technology, a process, or an infrastructure improvement (whether developed using a grant under subsection (a)(1), through the National Shipbuilding Research Program, or otherwise) will improve the productivity and cost-effectiveness of naval vessel construction, the Secretary of the Navy may provide a loan guarantee under subsection (a)(2) for a qualifying shipyard to facilitate the purchase by such shipyard of such technology, process, or infrastructure improvement.

(2) PAYMENT OF COST OF LOAN GUARANTEE.—The cost of a guarantee under this subsection shall be paid for with amounts made available in appropriations Acts.

(3) PERCENTAGE LIMITATION; TERM.—A loan guarantee under this subsection may apply—

(A) to up to 87.5 percent of the loan principal; and

(B) for a term of up to 30 years.

(4) AUTHORITIES, PROCEDURES, REQUIREMENTS, AND RESTRICTIONS.—The Secretary of the Navy, subject to the other provisions of this section—

(A) in implementing this section, may exercise authorities that are similar to the authorities available to the Secretary of Transportation under title XI of the Merchant Marine Act, 1936 (46 App. U.S.C. 1271 et seq.), with respect to loan guarantees under that title; and

(B) may establish such additional requirements for loan guarantees under this section as

the Secretary determines to be necessary to minimize the cost of such guarantees.

(5) LIMITATION ON TOTAL AMOUNT OF LOAN GUARANTEES.—The total amount of loans for which guarantees are provided under this subsection may not exceed \$1,000,000,000.

(6) DEFINITIONS.—In this subsection:

(A) QUALIFYING SHIPYARD.—The term “qualifying shipyard”, with respect to a loan guarantee under this section, means a shipyard that, over the three years preceding the year in which the loan guarantee is made, derived less than 40 percent of its revenue either directly or indirectly from United States Government contracts.

(B) COST.—The term “cost”, with respect to a loan guarantee under this section, has the meaning given that term in section 502 of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 661a), with cost for that purpose calculated assuming that the borrowing entity receives no revenue directly or indirectly from United States Government contracts.

(7) TERMINATION OF AUTHORITY.—The authority of the Secretary of the Navy to provide loan guarantees under this subsection expires at the close of September 30, 2011.

(f) ASSESSMENTS OF NAVAL VESSEL CONSTRUCTION INEFFICIENCIES.—

(1) PERIODIC ASSESSMENTS REQUIRED.—The Secretary of the Navy shall conduct, in the third quarter of each fiscal year or as often as necessary, an assessment of the following aspects of naval vessel construction to determine where and to what extent inefficiencies exist and to what extent innovative design and production technologies, processes, and infrastructure can be developed to alleviate such inefficiencies:

(A) Program design, engineering, and production engineering.

(B) Organization and operating systems.

(C) Steelwork production.

(D) Ship construction and outfitting.

(2) CONSIDERATION OF PRIOR ASSESSMENTS.—In making the assessments required by paragraph (1), the Secretary shall take into consideration the results of—

(A) the study of the cost effectiveness of the ship construction program of the Navy required by section 1014 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375; 118 Stat. 2041); and

(B) the assessment of the United States naval shipbuilding industry required by section 254 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3180).

(g) AVAILABILITY OF FUNDS.—

(1) AUTHORITY SUBJECT TO AVAILABILITY OF APPROPRIATIONS.—The authority of the Secretary of the Navy to make grants and provide loan guarantees under this section for any fiscal year is subject to the availability of appropriations for that purpose.

(2) FISCAL YEAR 2007.—Of the amount authorized to be appropriated pursuant to section 201(2) for research, development, test, and evaluation for the Navy for fiscal year 2007—

(A) \$50,000,000 shall be available to the Secretary of the Navy only to make grants under this section; and

(B) \$50,000,000 shall be available only for the cost (as defined in subsection (e)(6)(B)) of loan guarantees under this section.

(h) IDENTIFICATION IN BUDGET OF ANNUAL AMOUNT FOR SUPPORT OF NSRP ACTIVITIES.—Amounts in the budget of the President for any fiscal year for research, development, test, and evaluation for the Navy that are intended to be made available for the National Shipbuilding Research Program shall be separately identified and set forth in budget justification materials submitted to Congress for that fiscal year in support of that budget.

(i) DEFINITION OF SHIPYARD.—In this section, the term “shipyard” means a private shipyard

located in the United States the business of which includes the construction, repair, and maintenance of United States naval vessels.

SEC. 1015. TRANSFER OF OPERATIONAL CONTROL OF CERTAIN PATROL COASTAL SHIPS TO COAST GUARD.

Not later than September 30, 2008, the Secretary of the Navy shall enter into an agreement with the Commandant of the Coast Guard for the transfer by the Secretary of the Navy to the Coast Guard of operational control of not less than five 179-foot Cyclone-class patrol coastal ships for a period extending at least through September 30, 2012.

SEC. 1016. LIMITATION ON LEASING OF FOREIGN-BUILT VESSELS.

(a) IN GENERAL.—(1) Chapter 141 of title 10, United States Code, is amended by inserting after section 2401a the following new section:

“§2401b. Limitation on lease of foreign-built vessels

“(a) LIMITATION.—The Secretary of a military department may not make a contract for a lease or charter of a vessel for a term of more than 24 months (including all options to renew or extend the contract) if the hull, or a component of the hull and superstructure of the vessel, is constructed in a foreign shipyard.

“(b) PRESIDENTIAL WAIVER FOR NATIONAL SECURITY INTEREST.—(1) The President may authorize exceptions to the limitation in subsection (a) when the President determines that it is in the national security interest of the United States to do so.

“(2) The President shall transmit notice to Congress of any such determination, and no contract may be made pursuant to the exception authorized until the end of the 30-day period beginning on the date on which the notice of the determination is received by Congress.”.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2401a the following new item:

“2401b. Limitation on lease of foreign-built vessels.”.

(b) EFFECTIVE DATE.—Section 2401b of title 10, United States Code, as added by subsection (a), shall apply with respect to contracts entered into after the date of the enactment of this Act.

SEC. 1017. OVERHAUL, REPAIR, AND MAINTENANCE OF VESSELS CARRYING DEPARTMENT OF DEFENSE CARGO.

The Secretary of Defense may not award any contract for the carriage by vessel of cargo for the Department of Defense, unless the contract includes a requirement under which the contractor shall—

(1) ensure that all overhaul, repair, and maintenance performed on the vessel during the period of the contract is performed in a shipyard located in the United States; or

(2) report to the Secretary every fiscal year quarter all overhaul, repair, and maintenance performed on the vessel in a shipyard located outside the United States during the period covered by the report.

SEC. 1018. RIDING GANG MEMBER DOCUMENTATION REQUIREMENT.

(a) REQUIREMENT.—The Secretary of Defense may not award any charter of a vessel for the carriage of cargo by vessel for the Department of Defense, unless the charter or contract, respectively, requires that each riding gang member that performs any work on the vessel during the effective period of the charter or contract holds a merchant mariner's document issued under chapter 73 of title 46, United States Code.

(b) RIDING GANG MEMBER DEFINED.—In this section the term “riding gang member” means an individual who—

(1) does not perform—

(A) watchstanding, automated engine room duty watch, or personnel safety functions; or

(B) cargo handling functions, including any activity relating to the loading or unloading of

cargo, the operation of cargo-related equipment (whether or not integral to the vessel), and the handling of mooring lines on the dock when the vessel is made fast or let go;

(2) does not serve as part of the crew complement required under section 8101 of title 46, United States Code;

(3) is not a member of the steward's department; and

(4) is not a citizen or temporary or permanent resident of a country designated by the United States as a sponsor of terrorism or any other country that the Secretary of Defense, in consultation with the Secretary of State and the heads of other appropriate United States agencies, determines to be a security threat to the United States.

(c) LIMITATIONS ON APPLICATION.—

(1) VESSEL OPERATING UNDER EXISTING CHARTER OR CONTRACT.—This section does not apply with respect to a vessel operating under a charter or contract in effect on the date of the enactment of this section, unless such charter or contract is renewed after such date of enactment.

(2) EXEMPTIONS BY SECRETARY OF DEFENSE.—(A) IN GENERAL.—The Secretary of Defense may issue regulations that exempt a riding gang member from subsection (a) for the performance of specific technical work on original equipment of a vessel.

(B) BACKGROUND CHECK.—Such regulations shall include a requirement that a riding gang member must pass a background check before performing work under such an exemption.

Subtitle C—Counter-Drug Activities

SEC. 1021. RESTATEMENT IN TITLE 10, UNITED STATES CODE, AND REVISION OF DEPARTMENT OF DEFENSE AUTHORITY TO PROVIDE SUPPORT FOR COUNTER-DRUG ACTIVITIES OF FEDERAL, STATE, LOCAL, AND FOREIGN LAW ENFORCEMENT AGENCIES.

(a) RESTATEMENT AND REVISION OF AUTHORITY.—Chapter 18 of title 10, United States Code, is amended by adding at the end a new section 383 consisting of—

(1) a heading as follows:

“§383. Support for counter-drug activities: Federal, State, local, and foreign law enforcement agencies”; and

(2) a text consisting of the text of section 1004 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 10 U.S.C. 374 note), revised as follows:

(A) In subsection (a), by replacing “During fiscal years 2002 through 2006, the” with “The”.

(B) In subsection (e), by replacing “section 376 of title 10, United States Code,” with “section 376 of this title.”.

(C) In subsection (f), by deleting the parenthetical phrase beginning “(including training)” and ending “(1564)”.

(D) In subsection (g)—

(i) in paragraph (1), by replacing “chapter 18, United States Code” with “this chapter”; and

(ii) in paragraph (2), by replacing “title 10, United States Code” with “this title”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“383. Support for counter-drug activities: Federal, State, local, and foreign law enforcement agencies.”.

(c) REPEAL OF FISCAL YEAR 1991 AUTHORITY.—Section 1004 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 10 U.S.C. 374 note) is repealed.

SEC. 1022. RESTATEMENT IN TITLE 10, UNITED STATES CODE, AND REVISION OF DEPARTMENT OF DEFENSE AUTHORITY TO PROVIDE SUPPORT FOR COUNTER-DRUG ACTIVITIES OF CERTAIN FOREIGN GOVERNMENTS.

(a) RESTATEMENT AND REVISION OF AUTHORITY.—Chapter 18 of title 10, United States Code, is amended by inserting after section 383, as added by section 1021, a new section 384 consisting of—

(1) a heading as follows:

“§384. Support for counter-drug activities: foreign governments”; and

(2) a text consisting of the text of section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; 111 Stat. 1881), revised as follows:

(A) In subsection (a)(2)—

(i) by deleting the first sentence; and

(ii) by replacing “the governments” with “those governments”.

(B) In subsection (b), by adding at the end the following new paragraphs:

“(10) The Government of Azerbaijan.

“(11) The Government of Kazakhstan.

“(12) The Government of Kyrgyzstan.

“(13) The Government of Guatemala.

“(14) The Government of Belize.

“(15) The Government of Panama.”.

(C) In subsection (c), by replacing paragraphs (1), (2), and (3) with the following new paragraphs:

“(1) The transfer of nonlethal protective and utility personnel equipment.

“(2) The transfer of the following nonlethal specialized equipment:

“(A) Navigation equipment.

“(B) Secure and nonsecure communications equipment.

“(C) Photo equipment.

“(D) Radar equipment.

“(E) Night vision systems.

“(3) The transfer of nonlethal components, accessories, attachments, parts (including ground support equipment), firmware, and software and repair equipment related to the equipment specified in paragraph (2).

“(4) The transfer of patrol boats, vehicles, and aircraft and detection, interception, monitoring and testing equipment.

“(5) The maintenance and repair or upgrade of equipment of the government that is used for counter-drug activities.

“(6) For fiscal years 2007 and 2008, for the Government of Afghanistan only, individual and crew-served weapons of 50 caliber or less and ammunition for such weapons for counter-narcotics security forces.”.

(D) In subsection (d), by replacing “the provisions of section 1004 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 10 U.S.C. 374 note)” with “section 383 of this title”.

(E) By replacing subsection (e) with the following new subsection (e):

“(e) LIMITATION ON OBLIGATIONS.—Amounts made available to carry out this section shall remain available until expended, except that the total amount obligated and expended under this section may not exceed \$40,000,000 during fiscal year 2006 or \$60,000,000 during fiscal year 2007 or fiscal year 2008.”.

(F) In subsection (f), by replacing paragraphs (3) and (4) with the following new paragraph:

“(3) For purposes of this subsection and subsection (h), the term ‘congressional committees’ means the following:

“(A) The Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Relations of the Senate.

“(B) The Committee on Armed Services, the Committee on Appropriations, and the Committee on International Relations of the House of Representatives.”.

(G) In subsection (g)(1), by replacing “United States Armed Forces” with “armed forces”.

(H) In subsection (h)—

(i) in the first sentence, by replacing “prepare for fiscal year 2004 (and revise as necessary for subsequent fiscal years) a counter-drug plan” with “submit to the congressional committees not later than December 31 of each fiscal year a counter-drug plan for the next fiscal year”; and

(ii) by adding at the end the following new paragraph:

“(10) A copy of the certification required by subsection (f)(1) with respect to the government.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 383, as added by section 1021, the following new item:

“384. Support for counter-drug activities: foreign governments.”.

(c) REPEAL OF FISCAL YEAR 1998 AUTHORITY.—Section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1881) is repealed.

SEC. 1023. EXTENSION OF AUTHORITY TO SUPPORT UNIFIED COUNTERDRUG AND COUNTERTERRORISM CAMPAIGN IN COLOMBIA.

Section 1021 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2042) is amended—

(1) in subsection (a)(1), by striking “and 2006” and inserting “through 2008”; and

(2) in subsection (c), by striking “and 2006” and inserting “through 2008”.

SEC. 1024. CONTINUATION OF REPORTING REQUIREMENT REGARDING DEPARTMENT OF DEFENSE EXPENDITURES TO SUPPORT FOREIGN COUNTER-DRUG ACTIVITIES.

(a) ADDITIONAL REPORT REQUIRED.—Section 1022 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–255), as amended by section 1022 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1215) and section 1021 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3426), is further amended by inserting “and February 15, 2007,” after “April 15, 2006.”.

(b) FORM OF REPORT AND ADDITIONAL INFORMATION REQUIRED.—Such section is further amended—

(1) in the first sentence, by inserting “, in both classified and unclassified form,” after “report”; and

(2) in paragraph (2), by inserting before the period at the end the following: “and the amount of funds provided for each type of counter-drug activity assisted”.

SEC. 1025. REPORT ON INTERAGENCY COUNTER-NARCOTICS PLAN FOR AFGHANISTAN AND SOUTH AND CENTRAL ASIAN REGIONS.

(a) REPORT REQUIRED.—Not later than December 31, 2006, the Secretary of Defense shall submit to the congressional defense committees a report updating the interagency counter-narcotics implementation plan for Afghanistan and the South and Central Asian regions, including Turkmenistan, Uzbekistan, Tajikistan, Kyrgyzstan, Kazakhstan, Iran, Azerbaijan, Pakistan, India, and China, originally prepared pursuant to section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1881).

(b) CONSULTATION.—The report under this section shall be prepared in consultation with the Secretary of State, the Administrator of the Agency for International Development, and the Director of the Drug Enforcement Administration.

(c) MATTERS TO BE INCLUDED.—The report shall include the following for each foreign government covered by the report:

(1) A consideration of what activities should be reallocated among the United States and the foreign government based on the capabilities of each department and agency involved.

(2) Any measures necessary to clarify the legal authority required to complete the mission and the measures necessary for the United States to successfully complete its counter-narcotics efforts in Afghanistan and the South and Central Asian regions.

(3) Current and proposed United States funding to support counter-narcotics activities of the foreign government.

Subtitle D—Other Matters

SEC. 1031. REVISION TO AUTHORITIES RELATING TO COMMISSION ON THE IMPLEMENTATION OF THE NEW STRATEGIC POSTURE OF THE UNITED STATES.

Section 1051 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3431) is amended—

(1) in subsections (b)(1)(E) and (b)(2)(B), by striking “through 2008” and inserting “through 2025”; and

(2) in subsection (c)(1), by striking “Not later than June 30, 2007” and inserting “Not later than 18 months after the date of the Commission’s first meeting”; and

(3) in subsection (f), by striking “July 30, 2007” and inserting “60 days after the date of the submission of its report”.

SEC. 1032. ENHANCEMENT TO AUTHORITY TO PAY REWARDS FOR ASSISTANCE IN COMBATING TERRORISM.

(a) INCREASE IN DELEGATION LIMITATION.—Paragraph (2) of section 127b(c) of title 10, United States Code, is amended by striking “\$2,500” and inserting “\$10,000”.

(b) EXPANSION OF SENIOR OFFICERS TO WHOM COMBATANT COMMANDER AUTHORITY MAY BE DELEGATED.—Such paragraph is further amended—

(1) by inserting after “deputy commander” the following: “, or to the commander of a command directly subordinate to that commander,”; and

(2) by adding at the end the following new sentence: “Such a delegation may be made to the commander of a command directly subordinate to the commander of a combatant command only with the approval of the Secretary of Defense, the Deputy Secretary of Defense, or an Under Secretary of Defense designated by the Secretary.”.

SEC. 1033. REPORT ON ASSESSMENT PROCESS OF CHAIRMAN OF THE JOINT CHIEFS OF STAFF RELATING TO GLOBAL WAR ON TERRORISM.

Not later than March 1, 2007, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the findings of the semiannual assessment process relating to the Global War on Terrorism that is described in the annex to the National Military Strategic Plan for the War on Terrorism, issued by the Secretary of Defense on February 1, 2006, that is designated as the Implementation and Assessment Annex (Annex R).

SEC. 1034. PRESIDENTIAL REPORT ON IMPROVING INTERAGENCY SUPPORT FOR UNITED STATES 21ST CENTURY NATIONAL SECURITY MISSIONS.

(a) REPORT REQUIRED.—Not later than February 1, 2007, the President shall submit to Congress a report on building interagency capacity and enhancing the integration of civilian capabilities of the executive branch with the capabilities of the Armed Forces as required to achieve United States national security goals and objectives. To the maximum extent practicable, the report shall be unclassified, with a classified annex if necessary.

(b) REPORT ELEMENTS.—The report under subsection (a) shall include the following:

(1) An assessment of the capabilities required within the executive branch (other than the Armed Forces) to achieve the full spectrum of United States national security goals and objectives, to defend United States national security interests, and, in particular, to coordinate with the efforts of elements of the Armed Forces where deployed, including at least in the following areas:

(A) Organizations and organizational structure.

(B) Planning and assessment capabilities.

(C) Information sharing policies, practices, and systems.

(D) Leadership issues, including command and control of forces and personnel in the field.

(E) Personnel policies and systems, including recruiting, retention, training, education, promotion, awards, employment, deployment, and retirement.

(F) Acquisition authorities.

(2) The criteria and considerations used to evaluate progress in each of the areas specified in paragraph (1) towards building and integrating the interagency capacities required to achieve United States national security goals and objectives.

(3) Recommendations for specific legislative proposals that would improve interagency capacity and enhance the integration of civilian capabilities with the capabilities of deployed elements of the Armed Forces for each of the areas specified in paragraph (1).

SEC. 1035. QUARTERLY REPORTS ON IMPLEMENTATION OF 2006 QUADRENNIAL DEFENSE REVIEW REPORT.

(a) REPORTS REQUIRED.—Not later than 30 days after the end of each fiscal-year quarter, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the implementation of recommendations described in the Department of Defense 2006 Quadrennial Defense Review Report.

(b) CONTENTS OF REPORTS.—Each quarterly report under subsection (a) shall, at a minimum—

(1) describe the processes and procedures established by the Secretary of Defense to examine the various recommendations referred to in subsection (a);

(2) discuss implementation plans and strategies for each area highlighted by the Quadrennial Defense Review Report;

(3) provide relevant information about the status of such implementation; and

(4) indicate changes in the Secretary’s assessment of the defense strategies or capabilities required since the publication of the 2006 Quadrennial Defense Review Report.

(c) INITIAL REPORT.—The first report under subsection (a) shall be submitted not later than January 31, 2007.

(d) EXPIRATION OF REQUIREMENT.—The reporting requirement in subsection (a) shall terminate upon the earlier of the following:

(1) The date of the publication of the next Quadrennial Defense Review Report after the date of the enactment of this Act pursuant to section 118 of title 10, United States Code.

(2) The date of transmission of a written notification by the Secretary of Defense to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives that implementation of the recommendations of the 2006 Quadrennial Defense Review is complete.

SEC. 1036. INCREASED HUNTING AND FISHING OPPORTUNITIES FOR MEMBERS OF THE ARMED FORCES, RETIRED MEMBERS, AND DISABLED VETERANS.

(a) ACCESS FOR MEMBERS, RETIRED MEMBERS, AND DISABLED VETERANS.—Consistent with section 2671 of title 10, United States Code, and using such funds as are made available for this purpose, the Secretary of Defense shall ensure that members of the Armed Forces, retired members, disabled veterans, and persons assisting disabled veterans are able to utilize lands under the jurisdiction of the Department of Defense that are available for hunting or fishing.

(b) ASSESSMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report containing the results of an assessment of those lands under the jurisdiction of the Department of Defense and suitable for hunting or fishing and describing the actions necessary—

(1) to further increase the acreage made available to members of the Armed Forces, retired members, disabled veterans, and persons assisting disabled veterans for hunting and fishing; and

(2) to make that acreage more accessible to disabled veterans.

(c) **RECREATIONAL ACTIVITIES ON SANTA ROSA ISLAND.**—The Secretary of the Interior shall immediately cease the plan, approved in the settlement agreement for case number 96–7412 WJR and case number 97–4098 WJR, to exterminate the deer and elk on Santa Rosa Island, Channel Islands, California, by helicopter and shall not exterminate or nearly exterminate the deer and elk.

SEC. 1037. TECHNICAL AND CLERICAL AMENDMENTS.

(a) **TITLE 10, UNITED STATES CODE.**—Title 10, United States Code, is amended as follows:

(1) Section 1406(i)(3)(B)(vi) is amended by striking “Advisor for” and inserting “Advisor to”.

(2) Section 2105 is amended by striking by adding a period at the end of the last sentence.

(3) Section 2703(h) is amended by striking “subsection” in the first sentence and inserting “section”.

(b) **TITLE 37, UNITED STATES CODE.**—Title 37, United States Code, is amended as follows:

(1) Section 210(c)(6) is amended by striking “Advisor for” and inserting “Advisor to”.

(2) Section 308g(h) is amended by striking the second period at the end.

(3) Section 308j is amended by striking subsection (g) and inserting the following new subsection:

“(g) **REPAYMENT.**—A person who enters into an agreement under this section and receives all or part of the bonus under the agreement, but who does not accept a commission or an appointment as an officer or does not commence to participate or does not satisfactorily participate in the Selected Reserve for the total period of service specified in the agreement, shall be subject to the repayment provisions of section 303a(e) of this title.”.

(4) Section 414(c) is amended by striking “, or the Senior Enlisted Advisor for the Chairman of the Joint Chiefs of Staff” before the period at the end.

(c) **NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2006.**—Effective as of January 6, 2006, and as if included therein as enacted, the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163) is amended as follows:

(1) Section 608(b) (119 Stat. 3289) is amended—

(A) in paragraph (1), by striking “the first sentence” and inserting “the second sentence”;

and

(B) in paragraph (2), by striking “the second sentence” and inserting “the third sentence”.

(2) Section 683 (119 Stat. 3322) is amended—

(A) in subsection (a)(3), by striking “section 4873” and inserting “section 4837”;

(B) in subsection (c)(3), by striking “section 9873” and inserting “section 9837”.

(C) in subsection (b)(2)—

(i) by striking “by striking the penultimate word.” and inserting “to read as follows.”; and

(ii) by adding at the end the following:

“6161. Settlement of accounts: remission or cancellation of indebtedness of members.”.

(3) Section 685(a) (119 Stat. 3325) is amended by striking “Advisor for” both places it appears and inserting “Advisor to”.

(4) Section 687(a)(2) (119 Stat. 3327) is amended by striking “subsection (a)” and inserting “subsection (e)”.

(5) Section 687(b)(15) (119 Stat. 3330) is amended—

(A) by striking “Subsection (d)” and inserting “Subsection (e)”;

(B) in the matter inserted by that section, by striking “(d) **REPAYMENT.**—” and inserting “(e) **REPAYMENT.**—”.

SEC. 1038. DATABASE OF EMERGENCY RESPONSE CAPABILITIES.

The Secretary of Defense shall ensure that a database of emergency response capabilities is

maintained by the Department of Defense that includes the following:

(1) The types of capabilities that each State’s National Guard will likely provide in response to domestic natural and manmade disasters, both to their home States and under State-to-State mutual assistance agreements.

(2) The types of capabilities that the Department of Defense will likely provide in order to fulfill Department of Defense responsibilities to provide support under the National Response Plan’s 15 Emergency Support Functions, as well as identification of the units that provide those capabilities.

SEC. 1039. INFORMATION ON CERTAIN CRIMINAL INVESTIGATIONS AND PROSECUTIONS.

(a) **ANNUAL REPORT.**—Subsection (c) of section 1093 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2070) is amended—

(1) in paragraph (1)—

(A) by inserting “, or any prosecution on account of,” after “Notice of any investigation into”; and

(B) by inserting before the period at the end of the following: “, and, as to any such criminal investigation or prosecution described in this paragraph, a detailed and comprehensive description of such investigation or prosecution and any resulting judicial or nonjudicial punishment or other disciplinary action”; and

(2) by adding at the end the following new paragraph:

“(3) Information about any officer nominated for command, or nominated for promotion or appointment to a position requiring the advice and consent of the Senate, who has been subject to any investigation into, or prosecution of, a violation of international obligations or laws of the United States regarding the treatment of individuals detained by the United States Armed Forces or by a person providing services to the Department of Defense on a contractual basis, if the inclusion of such information in the report will not compromise any ongoing criminal or administrative investigation or prosecution, and including the following:

“(A) A description of any allegation of detainee death, torture or abuse.

“(B) The status of any investigation or prosecution.

“(C) Any judicial or nonjudicial punishment or other disciplinary action.”.

(b) **NOMINATION INFORMATION.**—Such section is further amended by adding at the end the following new subsection:

“(f) **NOMINATIONS.**—Information described in paragraph (3) of subsection (c), in addition to being included in the annual report under that subsection, shall be submitted to the Committee of Armed Services of the Senate and the Committee on Armed Services of the House of Representatives on a regular, timely basis in advance of any nomination described in that paragraph.”.

SEC. 1040. DATE FOR FINAL REPORT OF EMP COMMISSION.

(a) **REVISED DEADLINE FOR SUBMISSION OF FINAL REPORT.**—The final report of the EMP Commission shall be submitted to Congress not later than the end of the 18-month period beginning on the date of the commission’s first meeting after being reestablished pursuant to section 1052 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3434) (rather than the date prescribed in section 1403(a) of the Commission Charter).

(b) **DEFINITIONS.**—For purposes of this section:

(1) **EMP COMMISSION.**—The term “EMP Commission” means the Commission to Assess the Threat to the United States from Electromagnetic Pulse (EMP) Attack Commission, established pursuant to title XIV of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–345 et seq.) and re-

established pursuant to section 1052 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3434).

(2) **COMMISSION CHARTER.**—The term “Commission charter” means title XIV of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–345 et seq.), as amended by section 1052 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3434).

TITLE XI—CIVILIAN PERSONNEL MATTERS

Sec. 1101. Increase in authorized number of defense intelligence senior executive service employees.

Sec. 1102. Authority for Department of Defense to pay full replacement value for personal property claims of civilians.

Sec. 1103. Accrual of annual leave for members of the uniformed services performing dual employment.

Sec. 1104. Death gratuity authorized for Federal employees.

SEC. 1101. INCREASE IN AUTHORIZED NUMBER OF DEFENSE INTELLIGENCE SENIOR EXECUTIVE SERVICE EMPLOYEES.

Section 1606(a) of title 10, United States Code, is amended by striking “594” and inserting “644”.

SEC. 1102. AUTHORITY FOR DEPARTMENT OF DEFENSE TO PAY FULL REPLACEMENT VALUE FOR PERSONAL PROPERTY CLAIMS OF CIVILIANS.

Section 2636a(a) of title 10, United States Code, is amended by striking “of baggage and household effects for members of the armed forces at Government expense” and inserting “at Government expense of baggage and household effects for members of the armed forces or civilian employees of the Department of Defense (or both)”.

SEC. 1103. ACCRUAL OF ANNUAL LEAVE FOR MEMBERS OF THE UNIFORMED SERVICES PERFORMING DUAL EMPLOYMENT.

Section 5534a of title 5, United States Code, is amended by adding at the end the following new sentence: “Such a member also is entitled to accrue annual leave with pay in the manner specified in section 6303(a) of this title for a retired member of a uniformed service.”.

SEC. 1104. DEATH GRATUITY AUTHORIZED FOR FEDERAL EMPLOYEES.

(a) **DEATH GRATUITY AUTHORIZED.**—Chapter 81 of title 5, United States Code, is amended by inserting after section 8102 the following new section:

“§8102a. Death gratuity

“(a) **DEATH GRATUITY AUTHORIZED.**—The United States shall pay a death gratuity of \$100,000 to or for the survivor prescribed by subsection (d) immediately upon receiving official notification of the death of an employee who dies of injuries incurred in connection with the employee’s service with an Armed Force in a contingency operation, or who dies of injuries incurred in connection with a terrorist incident occurring during the employee’s service with an Armed Force.

“(b) **RETROACTIVE PAYMENT IN CERTAIN CASES.**—With respect to an employee who dies on or after October 7, 2001, as a result of wounds, injuries, or illnesses incurred in the performance of duty in the theater of operations of Operation Enduring Freedom or Operation Iraqi Freedom, subsection (a) also shall apply.

“(c) **OTHER BENEFITS.**—The death gratuity payable under this section is in addition to any death benefits otherwise provided for in law.

“(d) **ELIGIBLE SURVIVORS.**—

“(1) A death gratuity payable upon the death of a person covered by subsection (a) shall be paid to or for the living survivor highest on the following list:

“(A) The employee’s surviving spouse.

“(B) The employee’s children, as prescribed by paragraph (2), in equal shares.

“(C) If designated by the employee, any one or more of the following persons:

“(i) The employee’s parents or persons in loco parentis, as prescribed by paragraph (3).

“(ii) The employee’s brothers.

“(iii) The employee’s sisters.

“(D) The employee’s parents or persons in loco parentis, as prescribed by paragraph (3), in equal shares.

“(E) The employee’s brothers and sisters in equal shares.

Subparagraphs (C) and (E) of this paragraph include brothers and sisters of the half blood and those through adoption.

“(2) Paragraph (1)(B) applies, without regard to age or marital status, to—

“(A) legitimate children;

“(B) adopted children;

“(C) stepchildren who were a part of the decedent’s household at the time of death;

“(D) illegitimate children of a female decedent; and

“(E) illegitimate children of a male decedent—

“(i) who have been acknowledged in writing signed by the decedent;

“(ii) who have been judicially determined, before the decedent’s death, to be his children;

“(iii) who have been otherwise proved, by evidence satisfactory to the employing agency, to be children of the decedent; or

“(iv) to whose support the decedent had been judicially ordered to contribute.

“(3) Subparagraphs (C) and (D) of paragraph (1), so far as they apply to parents and persons in loco parentis, include fathers and mothers through adoption, and persons who stood in loco parentis to the decedent for a period of not less than one year at any time before the decedent became an employee. However, only one father and one mother, or their counterparts in loco parentis, may be recognized in any case, and preference shall be given to those who exercised a parental relationship on the date, or most nearly before the date, on which the decedent became an employee.

“(4) If an eligible survivor dies before he receives the death gratuity, it shall be paid to the living survivor next in the order prescribed by paragraph (1).

“(e) DEFINITIONS.—The term ‘contingency operation’ has the meaning given to that term in section 1482a(c) of title 10, United States Code.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 81 of such title is amended by inserting after the item relating to section 8102 the following new item:

“8102a. Death gratuity.”.

TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

Subtitle A—Assistance and Training

Sec. 1201. Logistic support for allied forces participating in combined operations.

Sec. 1202. Temporary authority to use acquisition and cross-servicing agreements to lend certain military equipment to foreign forces in Iraq and Afghanistan for personnel protection and survivability.

Sec. 1203. Recodification and revision to law relating to Department of Defense humanitarian demining assistance.

Sec. 1204. Enhancements to Regional Defense Combating Terrorism Fellowship Program.

Sec. 1205. Capstone overseas field studies trips to People’s Republic of China and Republic of China on Taiwan.

Sec. 1206. Military educational exchanges between senior officers and officials of the United States and Taiwan.

Subtitle B—Nonproliferation Matters and Countries of Concern

Sec. 1211. Procurement restrictions against foreign persons that transfer certain defense articles and services to the People’s Republic of China.

Subtitle C—Other Matters

Sec. 1221. Execution of the President’s policy to make available to Taiwan diesel electric submarines.

Subtitle A—Assistance and Training

SEC. 1201. LOGISTIC SUPPORT FOR ALLIED FORCES PARTICIPATING IN COMBINED OPERATIONS.

(a) AUTHORITY.—Chapter 3 of title 10, United States Code, is amended by inserting after section 127b the following new section:

“§127c. Allied forces participating in combined operations: authority to provide logistic support, supplies, and services

“(a) AUTHORITY.—Subject to subsections (b) and (c), the Secretary of Defense may provide logistic support, supplies, and services to allied forces participating in a combined operation with the armed forces. Provision of such support, supplies, and services to the forces of an allied nation may be made only with the concurrence of the Secretary of State.

“(b) LIMITATIONS.—The authority provided by subsection (a) may be used only—

“(1) in accordance with the Arms Export Control Act and other export control laws of the United States; and

“(2) for a combined operation—

“(A) that is carried out during active hostilities or as part of a contingency operation or a noncombat operation (including an operation in support of the provision of humanitarian or foreign disaster assistance, a country stabilization operation, or a peacekeeping operation under chapter VI or VII of the Charter of the United Nations); and

“(B) in a case in which the Secretary of Defense determines that the allied forces to be provided logistic support, supplies, and services (i) are essential to the success of the combined operation, and (ii) would not be able to participate in the combined operation but for the provision of such logistic support, supplies, and services by the Secretary.

“(c) LIMITATION ON VALUE.—The value of logistic support, supplies, and services provided under this section in any fiscal year may not exceed \$100,000,000.

“(d) DEFINITION.—In this section, the term ‘logistic support, supplies, and services’ has the meaning given that term in section 2350(1) of this title.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 127b the following new item:

“127c. Allied forces participating in combined operations: authority to provide logistic support, supplies, and services.”.

SEC. 1202. TEMPORARY AUTHORITY TO USE ACQUISITION AND CROSS-SERVICING AGREEMENTS TO LEND CERTAIN MILITARY EQUIPMENT TO FOREIGN FORCES IN IRAQ AND AFGHANISTAN FOR PERSONNEL PROTECTION AND SURVIVABILITY.

(a) AUTHORITY.—

(1) IN GENERAL.—Subject to paragraphs (2), (3), and (4), the Secretary of Defense may treat covered military equipment as logistic support, supplies, and services under subchapter I of chapter 138 of title 10, United States Code, for the purpose of providing for the use of such equipment by military forces of a nation participating in combined operations with the United States in Iraq or Afghanistan.

(2) REQUIRED DETERMINATIONS.—Equipment may be provided to the military forces of a nation under the authority of this section only upon—

(A) a determination by the Secretary of Defense that the United States forces in the combined operation have no unfilled requirements for that equipment; and

(B) a determination by the Secretary of Defense, with the concurrence of the Secretary of

State, that it is in the national security interest of the United States to provide for the use of such equipment by the military forces of that nation under this section.

(3) LIMITATION ON USE OF EQUIPMENT.—Equipment provided to the military forces of a nation under the authority of this section may be used by those forces only in Iraq or Afghanistan and only for personnel protection or to aid in the personnel survivability of those forces.

(4) LIMITATION ON DURATION OF PROVISION OF EQUIPMENT.—Equipment provided to the military forces of a nation under the authority of this section may be used by the military forces of that nation for not longer than one year.

(b) SEMIANNUAL REPORTS TO CONGRESSIONAL COMMITTEES.—

(1) USE OF AUTHORITY DURING FIRST SIX MONTHS OF FISCAL YEAR.—If the authority provided in subsection (a) is exercised during the first six months of a fiscal year, the Secretary of Defense shall submit to the specified congressional committees a report on that exercise of such authority not later than the following April 30.

(2) USE OF AUTHORITY DURING SECOND SIX MONTHS OF FISCAL YEAR.—If the authority provided in subsection (a) is exercised during the second six months of a fiscal year, the Secretary of Defense shall submit to the specified congressional committees a report on that exercise of such authority not later than the following October 30.

(3) CONTENT.—Each report under paragraph (1) or (2) shall include, with respect to each exercise of the authority provided in subsection (a) during the period covered by the report, the following:

(A) A description of the basis for the determination of the Secretary of Defense that it is in the national security interests of the United States to provide for the use of covered military equipment in the manner authorized in subsection (a).

(B) Identification of each foreign force that receives such equipment.

(C) A description of the type, quantity, and value of the equipment provided to each foreign force that receives such equipment.

(D) A description of the terms and duration of the provision of the equipment to each foreign force that receives such equipment.

(4) COORDINATION.—Each report under paragraph (1) or (2) shall be prepared in coordination with the Secretary of State.

(c) LIMITATIONS ON PROVISION OF MILITARY EQUIPMENT.—The provision of military equipment under this section is subject to the provisions of the Arms Export Control Act (22 U.S.C. 2751 et seq.) and of any other export control process under laws relating to the transfer of military equipment and technology to foreign nations.

(d) DEFINITIONS.—In this section:

(1) The term “covered military equipment” means items designated as significant military equipment in categories I, II, III, and VII of the United States Munitions List under section 38(a)(1) of the Arms Export Control Act (22 U.S.C. 2778(a)(1)).

(2) The term “specified congressional committees” means—

(A) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(B) the Committee on Armed Services and the Committee on International Relations of the House of Representatives.

(e) EXPIRATION.—The authority to provide military equipment to the military forces of a foreign nation under this section expires on September 30, 2008.

SEC. 1203. RECODIFICATION AND REVISION TO LAW RELATING TO DEPARTMENT OF DEFENSE HUMANITARIAN DEMINING ASSISTANCE.

(a) REPEAL.—Section 401 of title 10, United States Code, is amended—

- (1) in subsection (a), by striking paragraph (4);
- (2) in subsection (b)—
- (A) by striking “(1)” after “(b)”; and
- (B) by striking paragraph (2);
- (3) in subsection (c), by striking paragraphs (2) and (3); and
- (4) in subsection (e), by striking paragraph (5).

(b) RECODIFICATION AND REVISION.—

(1) IN GENERAL.—Chapter 20 of such title is amended by adding at the end the following new section:

“§407. Humanitarian demining assistance: authority; limitations

“(a) AUTHORITY.—(1) Under regulations prescribed by the Secretary of Defense, the Secretary of a military department may carry out humanitarian demining assistance in conjunction with authorized military operations of the armed forces in a country if the Secretary concerned determines that the assistance will promote either—

“(A) the security interests of both the United States and the country in which the activities are to be carried out; or

“(B) the specific operational readiness skills of the members of the armed forces who participate in the activities.

“(2) Humanitarian demining assistance under this section shall complement, and may not duplicate, any other form of social or economic assistance which may be provided to the country concerned by any other department or agency of the United States.

“(3) The Secretary of Defense shall ensure that no member of the armed forces, while providing humanitarian demining assistance under this section—

“(A) engages in the physical detection, lifting, or destroying of landmines or other explosive remnants of war (unless the member does so for the concurrent purpose of supporting a United States military operation); or

“(B) provides such assistance as part of a military operation that does not involve the armed forces.

“(b) LIMITATIONS.—(1) Humanitarian demining assistance may not be provided under this section unless the Secretary of State specifically approves the provision of such assistance.

“(2) Any authority provided under any other provision of law to provide humanitarian demining assistance to a foreign country shall be carried out in accordance with, and subject to, the limitations prescribed in this section.

“(c) EXPENSES.—(1) Expenses incurred as a direct result of providing humanitarian demining assistance under this section to a foreign country shall be paid for out of funds specifically appropriated for the purpose of the provision by the Department of Defense of overseas humanitarian assistance.

“(2) Expenses covered by paragraph (1) include the following:

“(A) Travel, transportation, and subsistence expenses of Department of Defense personnel providing such assistance.

“(B) The cost of any equipment, services, or supplies acquired for the purpose of carrying out or supporting humanitarian demining activities, including any nonlethal, individual, or small-team equipment or supplies for clearing landmines or other explosive remnants of war that are to be transferred or otherwise furnished to a foreign country in furtherance of the provision of assistance under this section.

“(3) The cost of equipment, services, and supplies provided in any fiscal year under this section may not exceed \$10,000,000.

“(d) ANNUAL REPORT.—The Secretary of Defense shall include in the annual report under section 401 of this title a separate discussion of activities carried out under this section during the preceding fiscal year, including—

“(1) a list of the countries in which humanitarian demining assistance was carried out during the preceding fiscal year; and

“(2) the amount expended in carrying out such assistance in each such country during the preceding fiscal year.

“(e) HUMANITARIAN DEMINING ASSISTANCE DEFINED.—In this section, the term ‘humanitarian demining assistance’ means detection and clearance of landmines and other explosive remnants of war, including activities related to the furnishing of education, training, and technical assistance with respect to the detection and clearance of landmines and other explosive remnants of war.”

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item: “407. Humanitarian demining assistance: authority; limitations.”

SEC. 1204. ENHANCEMENTS TO REGIONAL DEFENSE COMBATING TERRORISM FELLOWSHIP PROGRAM.

(a) AUTHORIZED PURPOSES.—Subsection (a) of section 2249c of title 10, United States Code, is amended by striking “associated with” and all that follows and inserting: “associated with the education and training of foreign military officers, ministry of defense officials, or security officials at military or civilian educational institutions, regional centers, conferences, seminars, or other training programs conducted under the Regional Defense Combating Terrorism Fellowship Program. Costs for which payment may be made under this section include the costs of transportation and travel and subsistence costs.”

(b) ANNUAL LIMITATION ON AMOUNT OBLIGATED.—Subsection (b) of such section is amended by striking “\$20,000,000” and inserting “\$25,000,000”.

(c) EXPENDITURES ACROSS FISCAL YEARS.—Such section is further amended by adding at the end the following new subsection:

“(d) OBLIGATION OF FUNDS ACROSS FISCAL YEARS.—Funds made available for a fiscal year may be obligated for the total cost of an education or training program conducted under subsection (a) that begins in that fiscal year, including a program that begins in that fiscal year and ends in the next fiscal year, so long as the duration of the program does not exceed one year.”

(d) CLERICAL AMENDMENTS.—

(1) REFERENCE TO PROGRAM.—Subsection (c)(3) of such section is amended by striking “Regional Defense Counterterrorism Fellowship Program” and inserting “program referred to in subsection (a)”

(2) SECTION HEADING.—The heading of such section is amended to read as follows:

“§2249c. Regional Defense Combating Terrorism Fellowship Program: authority to use appropriated funds for costs associated with education and training of foreign officials”

(3) TABLE OF SECTIONS.—The item relating to such section in the table of sections at the beginning of subchapter I of chapter 134 of such title is amended to read as follows

“2249c. Regional Defense Combating Terrorism Fellowship Program: authority to use appropriated funds for costs associated with education and training of foreign officials.”

SEC. 1205. CAPSTONE OVERSEAS FIELD STUDIES TRIPS TO PEOPLE'S REPUBLIC OF CHINA AND REPUBLIC OF CHINA ON TAIWAN.

Section 2153 of title 10, United States Code, is amended by adding at the end of the following new subsection:

“(c) OVERSEAS FIELD STUDIES TO CHINA AND TAIWAN.—The Secretary of Defense shall direct the National Defense University to ensure that visits to China and Taiwan are an integral part of the field study programs conducted by the university as part of the military education course carried out pursuant to subsection (a) and that such field study programs include an-

nually at least one class field study trip to the People's Republic of China and at least one class field study trip to the Republic of China on Taiwan.”

SEC. 1206. MILITARY EDUCATIONAL EXCHANGES BETWEEN SENIOR OFFICERS AND OFFICIALS OF THE UNITED STATES AND TAIWAN.

(a) DEFENSE EXCHANGES.—The Secretary of Defense shall undertake a program of senior military officer and senior official exchanges with Taiwan designed to improve Taiwan's defenses against the People's Liberation Army of the People's Republic of China.

(b) EXCHANGES DESCRIBED.—For purposes of this section, the term “exchange” means an activity, exercise, event, or observation opportunity between Armed Forces personnel or Department of Defense officials of the United States and armed forces personnel and officials of Taiwan.

(c) FOCUS OF EXCHANGES.—The senior military officer and senior official exchanges undertaken pursuant to subsection (a) shall include exchanges focused on the following, especially as they relate to defending Taiwan against potential submarine attack and potential missile attack:

- (1) Threat analysis
- (2) Military doctrine
- (3) Force planning
- (4) Logistical support
- (5) Intelligence collection and analysis
- (6) Operational tactics, techniques, and procedures.

(d) CIVIL-MILITARY AFFAIRS.—The senior military officer and senior official exchanges undertaken pursuant to subsection (a) shall include activities and exercises focused on civil-military relations, including parliamentary relations.

(e) LOCATION OF EXCHANGES.—The senior military officer and senior official exchanges undertaken pursuant to subsection (a) shall be conducted in both the United States and Taiwan.

(f) DEFINITIONS.—For purposes of this section:

(1) The term “senior military officer” means a general or flag officer of the Armed Forces on active duty.

(2) The term “senior official” means a civilian official of the Department of Defense at the level of Deputy Assistant Secretary or above.

Subtitle B—Nonproliferation Matters and Countries of Concern

SEC. 1211. PROCUREMENT RESTRICTIONS AGAINST FOREIGN PERSONS THAT TRANSFER CERTAIN DEFENSE ARTICLES AND SERVICES TO THE PEOPLE'S REPUBLIC OF CHINA.

(a) DECLARATION OF POLICY.—Congress declares that it is the policy of the United States to deny the People's Republic of China such defense goods and defense technology that could be used to threaten the United States or undermine the security of Taiwan or the stability of the Western Pacific region.

(b) PROCUREMENT SANCTION.—(1) The Secretary of Defense may not procure, by contract or otherwise, any goods or services from—

(A) any foreign person the Secretary of Defense determines has, with actual knowledge, on or after the date of the enactment of this Act, exported, transferred, or otherwise provided to governmental or nongovernmental entities of the People's Republic of China any item or class of items on the United States Munitions List (or any item or class of items that are identical, substantially identical, or directly competitive to an item or class of items on the United States Munitions List); or

(B) any foreign person the Secretary of Defense determines—

(i) is a successor entity to a person referred to in paragraph (1);

(ii) is a parent or subsidiary of a person referred to in paragraph (1); or

(iii) is an affiliate of a person referred to in paragraph (1) if that affiliate is controlled in fact by such person.

(2) The prohibition under paragraph (1) with respect to a foreign person shall last for a period of five years after a determination is made by the Secretary of Defense with respect to that person under paragraph (1)(A).

(c) **PUBLIC AVAILABILITY OF LIST OF SANCTIONED PERSONS.**—(1) The Secretary of Defense shall annually publish in the Federal Register a current list of any foreign persons sanctioned under subsection (b). The removal of foreign persons from, and the addition of foreign persons to, the list shall also be published.

(2) The Secretary shall maintain the list published under paragraph (1) on the internet website of the Department of Defense.

(c) **REMOVAL FROM LIST OF SANCTIONED PERSONS.**—The Secretary of Defense may remove a person from the list of sanctioned persons referred to in subsection (c) only after the five-year prohibition period imposed under subsection (b) with respect to the person has expired.

(d) **EXCEPTIONS.**—(1) Subsection (b) shall not apply

(A) to contracts, or subcontracts under such contracts, in existence on the date of the enactment of this Act, including options under such contracts;

(B) if the Secretary of Defense determines in writing that the person to which the sanctions would otherwise be applied is a sole source supplier of the goods or services being procured, that the goods or services are essential, and that alternative sources are not readily or reasonably available;

(C) in the case of a contract for routine servicing and maintenance, if the Secretary of Defense determines in writing alternative sources for performing the contract are not readily or reasonably available; or

(D) if the Secretary of Defense determines in writing that goods or services proposed to be procured under the contract are essential to the national security of the United States.

(2) Determinations under paragraph (1) shall be published in the Federal Register.

(f) **DEFINITIONS.**—In this section:

(1) The term “foreign person” has the meaning given the term in section 14 of the Iran and Libya Sanctions Act of 1996 (50 U.S.C. 1701 note).

(2) The term “United States Munitions List” means the list referred to in section 38(a)(1) of the Arms Export Control Act (22 U.S.C. 2778 (a)(1)).

Subtitle C—Other Matters

SEC. 1221. EXECUTION OF THE PRESIDENT'S POLICY TO MAKE AVAILABLE TO TAIWAN DIESEL ELECTRIC SUBMARINES.

(a) **FINDINGS.**—Congress makes the following findings:

(1) It is the policy of the United States under the Taiwan Relations Act of 1979 to “make available to Taiwan such defense articles and defense services in such quantity as may be necessary to enable Taiwan to maintain a sufficient self-defense capability”.

(2) In April 2001, the President of the United States approved for sale eight diesel electric submarines to the Republic of China on Taiwan.

(3) The buildup of attack submarines by the People's Republic of China threatens the stability in the Taiwan Strait and longstanding United States national security interests in the Western Pacific.

(4) Taiwan has a legitimate defense need for diesel electric submarines.

(5) The sale of diesel electric submarines to Taiwan supports stability in the Taiwan Strait and Western Pacific.

(6) The Legislative Yuan of the Republic of China on Taiwan should make every effort to support the President of Taiwan to fund the acquisition of diesel electric submarines from the United States.

(7) The sale of diesel electric submarines to Taiwan is beneficial to the health and wellbeing

of the United States shipbuilding industrial base and, therefore, United States national security.

(b) **POLICY OF THE UNITED STATES.**—It shall be the policy of the United States to make available to Taiwan plans and options for design work and construction work on future diesel electric submarines under the United States foreign military sales process. The availability of such design work and construction work shall be made in a manner consistent with United States national disclosure policy and is subject to the provisions of the Arms Export Control Act (22 U.S.C. 2751 et seq.) and any other export control law of the United States.

(c) **REPORT.**—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the present and future efforts of the Department of the Navy to execute the policy of the President to sell diesel electric submarines to the Republic of China on Taiwan. The report shall include the following:

(1) Ongoing activities by the Navy International Programs Office, in consultation with the Defense Security and Cooperation Agency, to make the Government of Taiwan aware of available Foreign Military Sales options.

(2) Future activities planned by the Navy International Programs Office, in consultation with the Defense Security and Cooperation Agency, to make the Government of Taiwan aware of available Foreign Military Sales options to acquire diesel electric submarines from the United States.

(d) **DEFINITIONS.**—In this section:

(1) The term “design work” means the process by which a submarine is designed.

(2) The term “construction work” means the process by which a submarine is constructed.

(3) The term “activities” means all interactions between the Government of the United States and the Government of Taiwan.

TITLE XIII—COOPERATIVE THREAT REDUCTION WITH STATES OF THE FORMER SOVIET UNION

Sec. 1301. Specification of Cooperative Threat Reduction programs and funds.

Sec. 1302. Funding allocations.

Sec. 1303. Temporary authority to waive limitation on funding for chemical weapons destruction facility in Russia.

Sec. 1304. National Academy of Sciences study.

SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS AND FUNDS.

(a) **SPECIFICATION OF CTR PROGRAMS.**—For purposes of section 301 and other provisions of this Act, Cooperative Threat Reduction programs are the programs specified in section 1501(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 110 Stat. 2731; 50 U.S.C. 2362 note).

(b) **FISCAL YEAR 2007 COOPERATIVE THREAT REDUCTION FUNDS DEFINED.**—As used in this title, the term “fiscal year 2007 Cooperative Threat Reduction funds” means the funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs.

(c) **AVAILABILITY OF FUNDS.**—Funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs shall be available for obligation for three fiscal years.

SEC. 1302. FUNDING ALLOCATIONS.

(a) **FUNDING FOR SPECIFIC PURPOSES.**—Of the \$372,128,000 authorized to be appropriated to the Department of Defense for fiscal year 2007 in section 301(19) for Cooperative Threat Reduction programs, the following amount may be obligated for the purposes specified:

(1) For strategic offensive arms elimination in Russia, \$76,985,000.

(2) For nuclear weapons storage security in Russia, \$87,100,000.

(3) For nuclear weapons transportation security in Russia, \$33,000,000.

(4) For weapons of mass destruction proliferation prevention in the states of the former Soviet Union, \$37,486,000.

(5) For biological weapons proliferation prevention in the former Soviet Union, \$68,357,000.

(6) For chemical weapons destruction in Russia, \$42,700,000.

(7) For defense and military contacts, \$8,000,000.

(8) For activities designated as Other Assessments/Administrative Support, \$18,500,000.

(b) **REPORT ON OBLIGATION OR EXPENDITURE OF FUNDS FOR OTHER PURPOSES.**—No fiscal year 2007 Cooperative Threat Reduction funds may be obligated or expended for a purpose other than a purpose listed in paragraphs (1) through (8) of subsection (a) until 30 days after the date that the Secretary of Defense submits to Congress a report on the purpose for which the funds will be obligated or expended and the amount of funds to be obligated or expended. Nothing in the preceding sentence shall be construed as authorizing the obligation or expenditure of fiscal year 2007 Cooperative Threat Reduction funds for a purpose for which the obligation or expenditure of such funds is specifically prohibited under this title or any other provision of law.

(c) **LIMITED AUTHORITY TO VARY INDIVIDUAL AMOUNTS.**—

(1) **IN GENERAL.**—Subject to paragraphs (2) and (3), in any case in which the Secretary of Defense determines that it is necessary to do so in the national interest, the Secretary may obligate amounts appropriated for fiscal year 2007 for a purpose listed in any of the paragraphs in subsection (a) in excess of the specific amount authorized for that purpose.

(2) **NOTICE-AND-WAIT REQUIRED.**—An obligation of funds for a purpose stated in any of the paragraphs in subsection (a) in excess of the specific amount authorized for such purpose may be made using the authority provided in paragraph (1) only after—

(A) the Secretary submits to Congress notification of the intent to do so together with a complete discussion of the justification for doing so; and

(B) 15 days have elapsed following the date of the notification.

(3) **RESTRICTION.**—The Secretary may not, under the authority provided in paragraph (1), obligate amounts for a purpose stated in any of paragraphs (6) through (8) of subsection (a) in excess of 125 percent of the specific amount authorized for such purpose.

SEC. 1303. TEMPORARY AUTHORITY TO WAIVE LIMITATION ON FUNDING FOR CHEMICAL WEAPONS DESTRUCTION FACILITY IN RUSSIA.

Section 1303 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375; 118 Stat. 2094; 22 U.S.C. 5952 note) is amended—

(1) in subsection (b), by striking “shall expire on December 31, 2006, and no waiver shall remain in effect after that date” and inserting “shall expire upon completion of the Chemical Weapons Destruction Facility currently under construction at Shchuch'ye in the Russian Federation, and no waiver shall remain in effect after that date”; and

(2) by adding at the end the following new subsection:

“(c) **REPORT.**—Not later than 30 days after completion of the facility referred to in subsection (b), the Secretary of Defense shall submit to Congress a written notification that specifies the date of completion.”

SEC. 1304. NATIONAL ACADEMY OF SCIENCES STUDY.

(a) **STUDY REQUIRED.**—The Secretary of Defense shall enter into an arrangement with the National Academy of Sciences under which the Academy shall carry out a study to analyze lessons learned, past and present challenges, and possible options in effectively managing and facilitating threat reduction and nonproliferation

projects under the Cooperative Threat Reduction program. The study shall cover all existing Cooperative Threat Reduction projects for securing or eliminating nuclear, chemical, and biological weapons and related systems in the states of the former Soviet Union.

(b) **REPORT.**—Not later than December 31, 2007, the Secretary shall submit to Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the study carried out under subsection (a). The report shall include a review and evaluation of each of the following matters:

- (1) Project management.
- (2) Interagency interaction concerning threat reduction and nonproliferation projects of other Federal departments or agencies.
- (3) Public outreach and community involvement.

(4) Cooperation of Russia and of other states of the former Soviet Union (including site access, visa approval, and contractor support).

(5) Legal frameworks.

(6) Transparency.

(7) Adequacy of funding from the United States and any Cooperative Threat Reduction program partner.

(8) Interaction with threat reduction and nonproliferation projects of Global Partnership countries.

(c) **FUNDING.**—Of the amounts made available pursuant to the authorization of appropriations in section 301(19) for Cooperative Threat Reduction programs, not more than \$2,000,000 shall be available only to carry out this section.

TITLE XIV—HOMELAND DEFENSE TECHNOLOGY TRANSFER

Sec. 1401. Short title.

Sec. 1402. Findings.

Sec. 1403. Creation of Homeland Defense Technology Transfer Consortium.

SEC. 1401. SHORT TITLE.

This title may be cited as the “Homeland Defense Technology Transfer Act of 2006”.

SEC. 1402. FINDINGS.

Congress finds the following:

(1) The Federal Government funds billions of dollars for research each year that has the potential to meet the needs of Federal, State, and local first responders, yet examples of successful technology transitions are few and far between.

(2) Congress has made repeated efforts to authorize the Department of Defense to effectively transfer its technologies to Federal, State, and local first responders. However, while progress has been made in implementing these authorities, this process can be significantly improved.

(3) Although the Department of Defense Strategy for Homeland Defense and Civil Support calls for active participation in an interagency process that improves interoperability and compatibility with public safety technologies and initiatives, greater participation is needed to ensure that all technologies used by the Department of Defense in their homeland defense mission are interoperable and compatible with standards being developed for public safety technologies.

(4) Even when technologies with promise have been identified, additional research and development efforts are needed to adapt these technologies into readily available, affordable products. No program with a sense of urgency to quickly produce results exists to bridge this gap.

(5) Tragedies such as Hurricanes Katrina and Rita demonstrate the need for prompt, decisive action by Congress to solve a problem that has eluded attempts by the Department of Defense to solve.

(6) Legislation is needed to codify the process for effectively moving and adapting needed technologies from the Department of Defense to Federal, State, and local first responders so that the lives of the American public and emergency responders are protected to the maximum extent possible.

SEC. 1403. CREATION OF HOMELAND DEFENSE TECHNOLOGY TRANSFER CONSORTIUM.

(a) **AUTHORIZATION OF CONSORTIUM.**—In order to improve the speed and effectiveness of identifying, evaluating, deploying, and transferring to Federal, State, and local first responders technology items and equipment in support of homeland security as required by section 1401 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107-314; 50 U.S.C. 2312 note) and work towards interoperability and compatibility of inter-agency homeland defense and security technologies, it is urgent that the technology adaptation and transfer process be consistent within the Department of Defense. Towards that end, the Secretary of Defense is authorized to create a Homeland Defense Technology Transfer Consortium.

(b) **COMPOSITION OF CONSORTIUM.**—To contribute to the rapid development and adoption of new technologies needed to ensure the safety of the United States public and the welfare of emergency service providers, the Homeland Defense Technology Transfer Consortium shall be composed of—

(1) organizations and entities working with the Department of Defense;

(2) Federal, State, and local first responders; and

(3) other relevant Federal agencies with established expertise in identifying, assessing, testing, evaluating, and training emergency response and other public safety entities.

(c) **AUTHORITIES OF CONSORTIUM.**—

(1) **PROCESS IMPROVEMENTS.**—The Homeland Defense Technology Transfer Consortium shall systematize—

(A) the process for the identification, assessment, adaptation, and transition of defense technologies that have the potential to enhance public safety and improve homeland security, thereby assisting the Department of Defense in meeting its statutory obligation to identify, evaluate, deploy, and transfer to Federal, State, and local first responders technology items and equipment of homeland security; and

(B) the process of coordinating and acting as liaison on behalf of the Department of Defense with other Federal agencies as appropriate to collect and prioritize Federal, State, and local first responder technology requirements already gathered by those entities.

(2) **FUNDING RECOMMENDATIONS.**—The Consortium shall submit recommendations to the Secretary of Defense for funding for the development, adaptation, test and evaluation, or other needed activities for any technology identified under paragraph (1) with a high potential to benefit Federal, State, and local first responders.

(3) **TECHNOLOGY INTEGRATION.**—The Consortium may assist in the integration of new technologies into appropriate first responder training exercises to maximize their rapid adoption as well as disseminating best practices in the profession.

(4) **INTEROPERABILITY AND COMPATIBILITY.**—The Consortium, under the direction of the Secretary of Defense, shall act as liaison with relevant Federal agencies, as well as Federal, State, and local first responders where appropriate, to work towards ensuring that technologies used by the Department of Defense in its homeland defense mission are interoperable and compatible with standards being developed for technologies used by Federal, State, and local first responders.

(d) **ANNUAL REPORT OF THE CONSORTIUM.**—The Homeland Defense Technology Transfer Consortium shall submit to the President and Congress an annual report on its activities. Each report shall include, at a minimum—

(1) a listing of specific Department of Defense and related technologies it has identified that appear to meet needs of Federal, State, and local first responders;

(2) the results of any tests and evaluations conducted on particular technologies, except

that no company proprietary information may be disclosed in the report;

(3) a listing of any recommendations the Consortium has made to the Department of Defense that developmental, adaptive, test and evaluation, or other funding be provided related to the development and deployment of technologies identified by the Consortium of particular interest for meeting the needs of emergency response providers;

(4) a listing of any technology development activities undertaken under the authorities of subsection (c);

(5) a listing of any technologies that have been subsequently used by Federal, State, and local first responders as a result of activities of the Consortium; and

(6) any recommendations determined appropriate by the Consortium on barriers to the prompt deployment of technologies needed by Federal, State, and local first responders.

(e) **ANNUAL REPORT BY THE SECRETARY OF DEFENSE.**—The Secretary of Defense shall submit to the President and Congress an annual report on activities the Department of Defense has taken to identify, test and evaluate, or develop technologies with application to Federal, State, and local first responders. Each report shall include, at a minimum, a description of the activities the Department of Defense has taken pursuant to recommendations of the Homeland Defense Technology Transfer Consortium, including activities to fund development or testing and evaluation of technologies created under programs of the Department.

(f) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated \$2,500,000 for the Department of Defense Office of Homeland Defense to fund the activities of the Homeland Defense Technology Transfer Consortium in each of fiscal years 2007 and 2008, for carrying out the duties of the Consortium under this section.

TITLE XV—AUTHORIZATION FOR INCREASED COSTS DUE TO OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM

Sec. 1501. Purpose.

Sec. 1502. Army procurement.

Sec. 1503. Navy and Marine Corps procurement.

Sec. 1504. Air Force procurement.

Sec. 1505. Defense-wide activities procurement.

Sec. 1506. Research, development, test and evaluation.

Sec. 1507. Operation and maintenance.

Sec. 1508. Defense Health Program.

Sec. 1509. Classified programs.

Sec. 1510. Military personnel.

Sec. 1511. Treatment as additional authorizations.

Sec. 1512. Transfer authority.

Sec. 1513. Availability of funds.

SEC. 1501. PURPOSE.

The purpose of this title is to authorize estimated future emergency supplemental appropriations for the Department of Defense for fiscal year 2007 to provide funds for additional costs due to Operation Iraqi Freedom and Operation Enduring Freedom.

SEC. 1502. ARMY PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2007 for procurement accounts of the Army in amounts as follows:

- (1) For aircraft procurement, \$232,400,000.
- (2) For ammunition procurement, \$328,341,000.
- (3) For weapons and tracked combat vehicles procurement, \$1,029,672,000.
- (4) For other procurement, \$2,183,430,000.

SEC. 1503. NAVY AND MARINE CORPS PROCUREMENT.

(a) **NAVY.**—Funds are hereby authorized to be appropriated for fiscal year 2007 for procurement accounts for the Navy in amounts as follows:

- (1) For weapons procurement, \$131,400,000.
- (2) For other procurement, \$44,700,000.

(b) **MARINE CORPS.**—Funds are hereby authorized to be appropriated for fiscal year 2007 for

the procurement account for the Marine Corps in the amount of \$636,125,000.

(c) **NAVY AND MARINE CORPS AMMUNITION.**—Funds are hereby authorized to be appropriated for fiscal year 2007 for the procurement account for ammunition for the Navy and the Marine Corps in the amount of \$143,150,000.

SEC. 1504. AIR FORCE PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2007 for procurement accounts for the Air Force in amounts as follows:

- (1) For aircraft procurement, \$201,550,000.
- (2) For missile procurement, \$32,650,000.
- (3) For other procurement, \$62,650,000.

SEC. 1505. DEFENSE-WIDE ACTIVITIES PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2007 for the procurement account for Defense-wide in the amount of \$140,200,000.

SEC. 1506. RESEARCH, DEVELOPMENT, TEST AND EVALUATION.

Funds are hereby authorized to be appropriated for fiscal year 2007 for the use of the Department of Defense for research, development, test and evaluation as follows:

- (1) For the Army, \$25,500,000.
- (2) For Defense-wide activities, \$5,000,000.
- (3) For the Air Force, \$7,000,000.

SEC. 1507. OPERATION AND MAINTENANCE.

Funds are hereby authorized to be appropriated for fiscal year 2007 for the use of the Armed Forces for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

- (1) For the Army, \$22,396,986,000.
- (2) For the Navy, \$1,834,560,000.
- (3) For the Marine Corps, \$1,485,920,000.
- (4) For the Air Force, \$2,822,998,000.
- (5) For Defense-wide activities, \$3,377,402,000.
- (6) For the Army National Guard, \$50,000,000.
- (7) For the Air National Guard, \$15,400,000.

SEC. 1508. DEFENSE HEALTH PROGRAM.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2007 for expenses, not otherwise provided for, the Defense Health Program, in the amount of \$950,200,000 for operation and maintenance.

SEC. 1509. CLASSIFIED PROGRAMS.

Funds are hereby authorized to be appropriated to the Department of Defense for fiscal year 2007 for Classified Programs, in the amount of \$2,500,000,000.

SEC. 1510. MILITARY PERSONNEL.

There is hereby authorized to be appropriated to the Department of Defense for military personnel accounts for fiscal year 2007 a total of \$9,362,766,000.

SEC. 1511. TREATMENT AS ADDITIONAL AUTHORIZATIONS.

The amounts authorized to be appropriated by this title are in addition to amounts otherwise authorized to be appropriated by this Act.

SEC. 1512. TRANSFER AUTHORITY.

(a) **AUTHORITY TO TRANSFER AUTHORIZATIONS.**—

(1) **AUTHORITY.**—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this title for fiscal year 2007 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) **LIMITATION.**—The total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed \$3,000,000,000. The transfer authority provided in this section is in addition to any other transfer authority available to the Secretary of Defense.

(b) **LIMITATIONS.**—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred;

(2) may not be used to provide authority for an item that has been denied authorization by Congress; and

(3) may not be combined with the authority under section 1001.

(c) **EFFECT ON AUTHORIZATION AMOUNTS.**—A transfer made from one account to another

under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) **NOTICE TO CONGRESS.**—A transfer may be made under the authority of this section only after the Secretary of Defense—

(1) consults with the chairmen and ranking members of the congressional defense committees with respect to the proposed transfer; and

(2) after such consultation, notifies those committees in writing of the proposed transfer not less than five days before the transfer is made.

SEC. 1513. AVAILABILITY OF FUNDS.

Funds in this title shall be made available for obligation to the Army, Navy, Marine Corps, Air Force, and Defense-wide components by the end of the second quarter of fiscal year 2007.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the “Joel Hefley Military Construction Authorization Act for Fiscal Year 2007”.

TITLE I—ARMY

Sec. 2101. Authorized Army construction and land acquisition projects.

Sec. 2102. Family housing.

Sec. 2103. Improvements to military family housing units.

Sec. 2104. Authorization of appropriations, Army.

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) **INSIDE THE UNITED STATES.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

State	Installation or Location	Amount
Alabama	Redstone Arsenal	\$4,300,000
Alaska	Fort Richardson	\$70,656,000
California	Fort Irwin	\$18,200,000
Colorado	Fort Carson	\$30,800,000
Georgia	Fort Gillem	\$15,000,000
Hawaii	Fort Stewart/Hunter Army Air Field	\$95,300,000
Kansas	Schofield Barracks	\$54,500,000
Kentucky	Fort Leavenworth	\$23,200,000
Louisiana	Fort Riley	\$37,200,000
Maryland	Blue Grass Army Depot	\$3,500,000
Missouri	Fort Campbell	\$123,500,000
New Jersey	Fort Polk	\$6,100,000
New York	Fort Detrick	\$12,400,000
North Carolina	Fort Leonard Wood	\$27,600,000
Oklahoma	Picatinny Arsenal	\$9,900,000
Texas	Fort Drum	\$218,600,000
Utah	Fort Bragg	\$89,000,000
Virginia	Sunny Point Military Ocean Terminal	\$46,000,000
Washington	McAlester Army Ammunition Plant	\$3,050,000
	Corpus Christi Army Depot	\$12,200,000
	Fort Bliss	\$8,200,000
	Fort Hood	\$93,000,000
	Dugway Proving Ground	\$14,400,000
	Fort Lee	\$4,150,000
	Fort Lewis	\$502,600,000

(b) **OUTSIDE THE UNITED STATES.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(2), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Army: Outside the United States

Country	Installation or Location	Amount
Germany	Grafenwoehr	\$157,632,000
Italy	Vilseck	\$19,000,000
Japan	Vicenza	\$223,000,000
Korea	Camp Hansen	\$7,150,000
	Camp Humphreys	\$77,000,000

Army: Outside the United States—Continued

Country	Installation or Location	Amount
	Yongpyong	\$7,400,000

(c) **UNSPECIFIED WORLDWIDE.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(3), the Secretary of the Army may acquire real property and carry out military construction projects for unspecified installations or locations in the amount set forth in the following table:

Army: Unspecified Worldwide

Location	Installation or Location	Amount
	Unspecified Worldwide	\$34,800,000

SEC. 2102. FAMILY HOUSING.

(a) **CONSTRUCTION AND ACQUISITION.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(6)(A), the Secretary of the Army may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, in the number of units, and in the amounts set forth in the following table:

Army: Family Housing

State	Installation or Location	Units	Amount
Alaska	Fort Richardson	162	\$70,000,000
	Fort Wainwright	234	\$132,000,000
Arizona	Fort Huachuca	119	\$32,000,000
Arkansas	Pine Bluff Arsenal	10	\$2,900,000
Wisconsin	Fort McCoy	13	\$4,900,000

(b) **PLANNING AND DESIGN.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(6)(A), the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed \$16,332,000.

SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2104(6)(5)(A), the Secretary of the Army may improve existing military family housing units in an amount not to exceed \$320,659,000.

SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2006, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of \$3,389,046,000 as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), \$1,217,356,000.

(2) For military construction projects outside the United States authorized by section 2101(b), \$491,182,000.

(3) For military construction projects at unspecified worldwide locations authorized by section 2101(c), \$34,800,000.

(4) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, \$23,930,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, \$220,830,000.

(6) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, \$578,791,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), \$674,657,000.

(7) For the construction of increment 2 of a barracks complex at Fort Drum, New York, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3485), \$16,500,000.

(8) For the construction of increment 2 of a barracks complex for the 2nd Brigade at Fort Bragg, North Carolina, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3485), \$31,000,000.

(9) For the construction of increment 2 of a barracks complex for the 3rd Brigade at Fort Bragg, North Carolina, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3485), \$50,000,000.

(10) For the construction of increment 2 of a barracks complex for divisional artillery at Fort Bragg, North Carolina, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3485), \$37,000,000.

(11) For the construction of increment 2 of a defense access road at Fort Belvoir, Virginia, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year

2006 (division B of Public Law 109–163; 119 Stat. 3486), \$13,000,000.

(b) **LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.**—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed the sum of the following:

(1) The total amount authorized to be appropriated under paragraphs (1), (2), and (3) of subsection (a).

(2) \$306,000,000 (the balance of the amount authorized under section 2101(a) for construction of a brigade complex for Fort Lewis, Washington).

TITLE II—NAVY

Sec. 2201. Authorized Navy construction and land acquisition projects.

Sec. 2202. Family housing.

Sec. 2203. Improvements to military family housing units.

Sec. 2204. Authorization of appropriations, Navy.

Sec. 2205. Modification of authority to carry out certain fiscal year 2004 and 2005 projects.

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) **INSIDE THE UNITED STATES.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Navy: Inside the United States

State	Installation or Location	Amount
Arizona	Marine Corps Air Station, Yuma	\$5,966,000
California	Marine Corps Air Station, Camp Pendleton	\$6,412,000
	Marine Corps Air Station, Miramar	\$2,968,000
	Marine Corps Base, Camp Pendleton	\$106,142,000
	Marine Corps Base, Twentynine Palms	\$27,217,000
	Naval Air Station, North Island	\$21,535,000
	Naval Support Activity, Monterey	\$7,380,000
Connecticut	Naval Submarine Base, New London	\$9,580,000
Florida	Naval Air Station, Pensacola	\$13,486,000
Georgia	Marine Corps Logistics Base, Albany	\$70,540,000
	Naval Submarine Base, Kings Bay	\$20,282,000
Hawaii	Naval Base, Pearl Harbor	\$48,338,000
	Naval Magazine, Pearl Harbor	\$6,010,000
Indiana	Naval Support Activity, Crane	\$6,730,000
Maryland	Naval Air Station, Patuxent River	\$16,316,000
	National Maritime Intelligence Center, Suitland	\$67,939,000

Navy: Inside the United States—Continued

<i>State</i>	<i>Installation or Location</i>	<i>Amount</i>
North Carolina	Marine Corps Air Station, Cherry Point	\$2,790,000
	Marine Corps Air Station, New River	\$21,500,000
	Marine Corps Base, Camp Lejeune	\$160,904,000
South Carolina	Marine Corps Air Station, Beaufort	\$25,575,000
Virginia	Marine Corps Base, Quantico	\$30,628,000
	Naval Shipyard, Norfolk	\$34,952,000
	Naval Station, Norfolk	\$12,062,000
	Naval Support Activity, Norfolk	\$41,712,000
Washington	Naval Base, Kitsap	\$17,617,000
	Naval Air Station, Whidbey Island	\$67,303,000

(b) *OUTSIDE THE UNITED STATES.*—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Navy: Outside the United States

<i>Country</i>	<i>Installation or Location</i>	<i>Amount</i>
Diego Garcia	Diego Garcia	\$37,473,000
Italy	Naval Air Station, Sigonella	\$13,051,000

(c) *UNSPECIFIED WORLDWIDE.*—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(3), the Secretary of the Navy may acquire real property and carry out military construction projects for unspecified installations or locations in the amount set forth in the following table:

Navy: Unspecified Worldwide

<i>Location</i>	<i>Project</i>	<i>Amount</i>
	Helicopter Support Facility	\$12,185,000

SEC. 2202. FAMILY HOUSING.

(a) *CONSTRUCTION AND ACQUISITION.*—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(6)(A), the Secretary of the Navy may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations, in the number of units, and in the amounts set forth in the following table:

Navy: Family Housing

<i>Location</i>	<i>Installation</i>	<i>Units</i>	<i>Amount</i>
California	Marine Corps Log. Base, Barstow	74	\$27,851,000
Guam	Naval Station, Guam	176	\$98,174,000

(b) *PLANNING AND DESIGN.*—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(6)(A), the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed \$2,785,000.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(6)(A), the Secretary of the Navy may improve existing military family housing units in an amount not to exceed \$180,146,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) *AUTHORIZATION OF APPROPRIATIONS.*—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2006, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of \$2,037,953,000, as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), \$764,572,000,000.

(2) For military construction projects outside the United States authorized by section 2201(b), \$50,524,000.

(3) For military construction projects at unspecified worldwide locations authorized by section 2201(c), \$12,185,000.

(4) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, \$8,939,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, \$72,857,000.

(6) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, \$308,956,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), \$509,126,000.

(7) For the construction of increment 2 of a reclamation and conveyance project for Marine Corps Base, Camp Pendleton, California, authorized by section 2201(a) of the Military Construction Authorization Act of Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3490), \$33,290,000.

(8) For the construction of increment 2 of a helicopter hangar replacement at Naval Air Station, Jacksonville, Florida, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3489), \$43,250,000.

(9) For the construction of increment 2 of recruit training barracks infrastructure upgrades at Recruit Training Command, Great Lakes, Illinois, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3490), \$23,589,000.

(10) For the construction of increment 2 of a field house at the United States Naval Academy, Annapolis, Maryland, authorized by section 2201(a) of the Military Construction Authorization Act of Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3490), \$21,685,000.

(11) For the construction of increment 2 of the replacement of Ship Repair Pier 3 at Naval Sta-

tion, Norfolk, Virginia, authorized by section 2201(a) of the Military Construction Authorization Act of Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3490), \$30,939,000.

(12) For the construction of increment 2 of an addition to Hockmuth Hall, Marine Corps Base, Quantico, Virginia, authorized by section 2201(a) of the Military Construction Authorization Act of Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3490), \$10,159,000.

(13) For the construction of increment 2 of wharf upgrades at Naval Station Guam, Marianas Islands, authorized by section 2201(b) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3490), \$29,772,000.

(14) For the construction of increment 2 of wharf upgrades at Yokosuka, Japan, authorized by section 2201(b) of the Military Construction Authorization Act of Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3490), \$44,360,000.

(15) For the construction of increment 2 of bachelor quarters at Naval Station, Everett, Washington, authorized by section 2201(a) of the Military Construction Authorization Act of Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3490), \$20,917,000.

(16) For the construction of increment 3 of the limited area production and storage complex at Strategic Weapons Facility Pacific, Bangor, Washington, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2105), as amended by section 2206 of this Act, \$14,274,000.

(17) For the construction of the next increment of the outlying landing field facilities at

Washington County, North Carolina, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108-136; 117 Stat. 1704), as amended by section 2205(a) of this Act, \$7,926,000.

(18) For the construction of increment 4 of pier 11 replacement at Naval Station, Norfolk, Virginia, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108-136; 117 Stat. 1704), \$30,633,000.

(b) **LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.**—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed the sum of the following:

(1) The total amount authorized to be appropriated under paragraphs (1), (2), and (3) of subsection (a).

(2) \$56,159,000 (the balance of the amount authorized under section 2201(a) for construction of an addition to the National Maritime Intelligence Center, Suitland, Maryland).

(3) \$31,153,000 (the balance of the amount authorized under section 2201(a) to recapitalize Hangar 5 at Naval Air Station, Whidbey Island, Washington).

SEC. 2205. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2004 AND 2005 PROJECTS.

(a) **FISCAL YEAR 2004 INSIDE THE UNITED STATES PROJECT.**—

(1) **MODIFICATION.**—The table in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108-136; 117 Stat. 1704), as amended by section 2205 of the Military Construction Au-

thorization Act for Fiscal Year 2006 (division B of Public Law 109-163; 119 Stat. 3492), is amended—

(A) at the end of the items relating to North Carolina, by inserting a new item entitled “Navy Outlying Landing Field, Washington County” in the amount of “\$193,260,000”;

(B) by striking the item relating to Various Locations, CONUS; and

(C) by striking the amount identified as the total in the amount column and inserting “\$1,489,424,000”.

(2) **CONFORMING AMENDMENTS.**—Section 2204(b)(6) of that Act (117 Stat. 1706) is amended—

(A) by striking “\$28,750,000” and inserting “\$165,650,000”; and

(B) by striking “outlying landing field facilities, various locations in the continental United States” and inserting “an outlying landing field in Washington County, North Carolina”.

(b) **FISCAL YEAR 2005 INSIDE THE UNITED STATES PROJECT.**—

(1) **MODIFICATION.**—The table in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108-375; 118 Stat. 2105), as amended by section 2206 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109-163; 119 Stat. 3493), is amended—

(A) by striking the item relating to Navy Outlying Landing Field, Washington County, North Carolina; and

(B) by striking the amount identified as the total in the amount column and inserting “\$825,479,000”.

(2) **CONFORMING AMENDMENTS.**—Section 2204 of that Act (118 Stat. 2107), as amended by section 2206 of the Military Construction Author-

ization Act for Fiscal Year 2006 (division B of Public Law 109-163; 119 Stat. 3493), is amended—

(A) in subsection (a)—

(i) in paragraph (1), by striking “\$752,927,000” and inserting “722,927,000”; and

(ii) by adding at the end the following new paragraph:

“(10) For the construction of increment 2 of the Navy outlying landing field in Washington County, North Carolina, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108-136; 117 Stat. 1704), as amended by section 2205(a) of the Military Construction Authorization Act for Fiscal Year 2007, \$30,000,000.”; and

(B) in subsection (b), by striking paragraph (3).

TITLE III—AIR FORCE

Sec. 2301. Authorized Air Force construction and land acquisition projects.

Sec. 2302. Family housing.

Sec. 2303. Improvements to military family housing units.

Sec. 2304. Authorization of appropriations, Air Force.

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) **INSIDE THE UNITED STATES.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

State	Installation or Location	Amount
Alaska	Eielson Air Force Base	\$38,300,000
Arizona	Elmendorf Air Force Base	\$56,100,000
Arkansas	Davis-Monthan Air Force Base	\$11,800,000
California	Little Rock Air Force Base	\$9,800,000
Colorado	Beale Air Force Base	\$28,000,000
Delaware	Travis Air Force Base	\$73,900,000
Florida	Buckley Air Force Base	\$10,700,000
Georgia	Peterson Air Force Base	\$4,900,000
Hawaii	Schriever Air Force Base	\$21,000,000
Illinois	Dover Air Force Base	\$26,400,000
Kansas	Eglin Air Force Base	\$30,350,000
Kentucky	Hurlburt Field	\$32,950,000
Montana	MacDill Air Force Base	\$71,000,000
Nevada	Tyndall Air Force Base	\$8,200,000
New Jersey	Robins Air Force Base	\$45,600,000
Oklahoma	Hickam Air Force Base	\$28,538,000
South Carolina	Scott Air Force Base	\$20,000,000
South Dakota	McConnell Air Force Base	\$3,875,000
Texas	Fort Knox	\$3,500,000
Utah	Malmstrom Air Force Base	\$5,700,000
Virginia	Indian Springs Auxiliary Field	\$49,923,000
Washington	McGuire Air Force Base	\$28,500,000
Wyoming	Altus Air Force Base	\$1,500,000
	Tinker Air Force Base	\$5,700,000
	Shaw Air Force Base	\$31,500,000
	Ellsworth Air Force Base	\$3,000,000
	Fort Bliss	\$8,500,000
	Lackland Air Force Base	\$13,200,000
	Laughlin Air Force Base	\$12,600,000
	Sheppard Air Force Base	\$7,000,000
	Hill Air Force Base	\$53,400,000
	Langley Air Force Base	\$57,700,000
	Fairchild Air Force Base	\$4,250,000
	Francis E. Warren Air Force Base	\$11,000,000

(b) **OUTSIDE THE UNITED STATES.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(2), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

Country	Installation or Location	Amount
Germany	Ramstein Air Base	\$53,150,000
Guam	Andersen Air Base	\$80,800,000
Korea	Kunsan Air Base	\$46,700,000
	Osan Air Base	\$2,156,000

(c) **UNSPECIFIED WORLDWIDE.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(3), the Secretary of the Air Force may acquire real property and carry out military construction projects for unspecified installations or locations in the amount set forth in the following table:

Air Force: Unspecified Worldwide

Location	Installation or Location	Amount
	Unspecified Worldwide	\$35,677,000

SEC. 2302. FAMILY HOUSING.

(a) **CONSTRUCTION AND ACQUISITION.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(6)(A), the Secretary of the Air Force may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, in the number of units, and in the amounts set forth in the following table:

Air Force: Family Housing

State or Country	Installation or Location	Units	Amount
Alaska	Eielson Air Force Base	129	\$87,414,000
Idaho	Mountain Home Air Force Base	457	\$107,800,000
Missouri	Whiteman Air Force Base	116	\$39,270,000
Montana	Malmstrom Air Force Base	493	\$140,252,000
North Carolina	Seymour Johnson Air Force Base	56	\$22,956,000
North Dakota	Minot Air Force Base	575	\$171,188,000
Texas	Dyess Air Force Base	199	\$49,215,000
Germany	Ramstein Air Base	101	\$59,488,000
	Spangdahlem Air Base	60	\$39,294,000
United Kingdom	Royal Air Force Lakenheath	74	\$35,282,000

(b) **PLANNING AND DESIGN.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(6)(A), the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed \$13,202,000.

SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(6)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed \$403,777,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2006, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of \$3,157,882,000, as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), \$818,386,000.

(2) For military construction projects outside the United States authorized by section 2301(b), \$182,806,000.

(3) For military construction projects at unspecified worldwide locations authorized by section 2301(c), \$35,677,000.

(4) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, \$15,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, \$97,504,000.

(6) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, \$1,169,138,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), \$755,071,000.

(7) For the construction of increment 2 of the C-17 maintenance complex at Elmendorf Air Force Base, Alaska, authorized by section 2301(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109-163; 119 Stat. 3494), \$30,000,000.

(8) For the construction of increment 2 of the main base runway at Edwards Air Force Base, California, authorized by section 2301(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109-163; 119 Stat. 3494), \$31,000,000.

(9) For the construction of increment 2 of the CENTCOM Joint Intelligence Center at MacDill Air Force Base, Florida, authorized by section 2301(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109-163; 119 Stat. 3494), \$23,300,000.

(b) **LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.**—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost vari-

ation authorized by law, the total cost of all projects carried out under section 2301 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1), (2), and (3) of subsection (a).

TITLE IV—DEFENSE AGENCIES

Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.

Sec. 2402. Family housing.

Sec. 2403. Energy conservation projects.

Sec. 2404. Authorized base closure and realignment activities funded through Department of Defense Base Closure Account 2005.

Sec. 2405. Authorization of appropriations, Defense Agencies.

Sec. 2406. Modification of authority to carry out certain fiscal year 2006 projects.

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) **INSIDE THE UNITED STATES.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following tables:

Defense Education Activity

State	Installation or Location	Amount
Kentucky	Fort Knox	\$18,108,000

Defense Logistics Agency

State	Installation or Location	Amount
Arizona	Marine Corps Air Station, Yuma	\$8,715,000
California	Beale Air Force Base	\$9,000,000
Pennsylvania	Defense Distribution Depot, New Cumberland	\$8,900,000
Virginia	Fort Belvoir	\$5,500,000
Washington	Naval Air Station, Whidbey Island	\$26,000,000

National Security Agency

State	Installation or Location	Amount
Maryland	Fort Meade	\$4,517,000

Special Operations Command

State	Installation or Location	Amount
California	Marine Corps Base, Camp Pendleton	\$24,400,000
Colorado	Fort Carson	\$26,100,000
Florida	Hurlburt Field	\$14,482,000
	MacDill Air Force Base	\$27,300,000
Kentucky	Fort Campbell	\$24,500,000
Mississippi	Stennis Space Center	\$10,200,000
North Carolina	Fort Bragg	\$67,044,000
	Marine Corps Base, Camp Lejeune	\$51,600,000
Virginia	Naval Air Base, Little Creek	\$22,000,000

TRICARE Management Activity

State	Installation or Location	Amount
Alaska	Fort Richardson	\$37,200,000
California	Fort Irwin	\$6,050,000
Florida	MacDill Air Force Base	\$92,000,000
	Naval Hospital, Jacksonville	\$16,000,000
Hawaii	Naval Base, Pearl Harbor	\$7,700,000
Illinois	Naval Hospital, Great Lakes	\$20,000,000
Maryland	Fort Detrick	\$550,000,000
New York	Fort Drum	\$9,700,000
Texas	Fort Hood	\$18,000,000

(b) **OUTSIDE THE UNITED STATES.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(2), the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following tables:

Defense Education Activity

Country	Installation or Location	Amount
Italy	Vicenza	\$47,210,000
Korea	Osan Air Base	\$4,589,000
Spain	Naval Station, Rota	\$23,048,000

Defense Logistics Agency

Country or Possession	Installation or Location	Amount
Japan	Okinawa	\$5,000,000
Wake Island	\$2,600,000

Special Operations Command

Country	Installation or Location	Amount
Qatar	Al Udeid AB	\$44,500,000

TRICARE Management Activity

Country	Installation or Location	Amount
Italy	Vicenza	\$52,000,000

SEC. 2402. FAMILY HOUSING.

(a) **CONSTRUCTION AND ACQUISITION.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(9)(A), the Secretary of Defense may construct or acquire family housing units (including land acquisition and supporting facilities) at the location, in the number of units, and in the amount set forth in the following table:

Defense Logistics Agency: Family Housing

State	Location	Units	Amount
Virginia	Richmond International Airport	25	\$7,840,000

(b) **PLANNING AND DESIGN.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(9)(A), the Secretary of Defense may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed \$200,000.

SEC. 2403. ENERGY CONSERVATION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(6), the Secretary of Defense may carry out energy conservation projects under section 2865 of title 10, United States Code, in the amount of \$55,000,000.

SEC. 2404. AUTHORIZED BASE CLOSURE AND REALIGNMENT ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005.

(a) **AUTHORIZED ACTIVITIES.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(8), the Secretary of Defense may carry out base closure and realignment activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2637 note) and funded through the Department of Defense Base Closure Account 2005 established by section 2906A of such Act, in the amount of \$5,902,723,000.

(b) **CONFORMING AMENDMENTS TO FISCAL YEAR 2006 AUTHORIZATIONS.**—

(1) **AUTHORIZED ACTIVITIES.**—Title XXIV of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3496) is amended by adding at the end the following new section:

“SEC. 2404. AUTHORIZED BASE CLOSURE AND REALIGNMENT ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005.

“Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(7), the Secretary of Defense may carry out base closure and realignment activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990

(part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 2005 established by section 2906A of such Act, in the amount of \$2,035,466,000.”.

(2) **AUTHORIZATION OF APPROPRIATIONS AND LIMITATIONS.**—Section 2403 of that Act (119 Stat. 3499) is amended—

(A) in subsection (a)(7)—

(i) by striking “as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note)” and inserting “authorized by section 2404 of this Act”; and

(ii) by striking “section 2906 of such Act” and inserting “section 2906A of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note)”.

(B) by redesignating subsection (c) as subsection (d); and

(C) by inserting after subsection (b) the following new subsection (c):

“(c) **LIMITATION ON TOTAL COST OF BASE CLOSURE AND REALIGNMENT ACTIVITIES.**—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all base closure and realignment activities, including real property acquisition and military construction projects, carried out under section 2404 of this Act may not exceed the sum of the following:

“(1) The total amount authorized to be appropriated under subsection (a)(7).

“(2) \$531,000,000 (the balance of the amount authorized under section 2404 for base closure and realignment activities).”.

SEC. 2405. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) **IN GENERAL.**—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2006, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments) in the total amount of \$7,160,356,000, as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), \$537,616,000.

(2) For military construction projects outside the United States authorized by section 2401(b), \$163,197,000.

(3) For unspecified minor military construction projects under section 2805 of title 10, United States Code, \$21,672,000.

(4) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, \$10,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, \$172,950,000.

(6) For energy conservation projects authorized by section 2403 of this Act, \$55,000,000.

(7) For base closure and realignment activities as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 1990 established by section 2906 of such Act, \$191,220,000.

(8) For base closure and realignment activities authorized by section 2404 of this Act and funded through the Department of Defense Base Closure Account 2005 established by section 2906A of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note), \$5,236,223,000.

(9) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, \$8,808,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), \$48,506,000.

(C) For credit to the Department of Defense Family Housing Improvement Fund established by section 2883(a)(1) of title 10, United States Code, \$2,500,000

(10) For the construction of increment 2 of the regional security operations center at Augusta, Georgia, authorized by section 2401(a) of the Military Construction Authorization Act of Fiscal Year 2006 (division B of Public Law 109-163; 119 Stat. 3497), as amended by section 2406 of this Act, \$87,118,000.

(11) For the construction of increment 2 of the regional security operations center at Kunia, Hawaii, authorized by section 2401(a) of the Military Construction Authorization Act of Fiscal Year 2006 (division B of Public Law 109-163; 119 Stat. 3497), \$47,016,000.

(12) For the construction of increment 2 of the classified material conversion facility at Fort Meade, Maryland, authorized by section 2401(a) of the Military Construction Authorization Act of Fiscal Year 2006 (division B of Public Law 109-163; 119 Stat. 3497), \$11,151,000.

(13) For the construction of increment 2 of an operations building, Royal Air Force Menwith Hill Station, United Kingdom, authorized by section 2401(b) of the Military Construction Authorization Act of Fiscal Year 2006 (division B of Public Law 109-163; 119 Stat. 3498), as amended by section 2406 of this Act, \$46,386,000.

(14) For the construction of the second increment of certain base closure and realignment activities authorized by section 2404 of the Military Construction Authorization Act of Fiscal Year 2006 (division B of Public Law 109-163; 119 Stat. 3500), as added by section 2404(b) of this Act, \$390,000,000.

(15) For the construction of increment 7 of a munitions demilitarization facility at Blue Grass Army Depot, Kentucky, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106-65; 113 Stat. 835), as amended by section 2405 of the Military Construction Authorization Act of 2002 (division B of Public Law 107-107; 115 Stat. 1298), and section 2405 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107-314; 116 Stat. 2698), \$89,157,000.

(16) For the construction of increment 8 of a munitions demilitarization facility at Pueblo Chemical Activity, Colorado, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104-201; 110 Stat. 2775), as amended by section 2406 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106-65; 113 Stat. 839), and section 2407 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107-314; 116 Stat. 2698), \$41,836,000.

(b) **LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.**—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2401 of this Act may not exceed the sum of the following:

(1) The total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

(2) \$46,400,000 (the balance of the amount authorized under section 2401(a) for construction of a health clinic at MacDill Air Force Base, Florida).

(3) \$521,000,000 (the balance of the amount authorized under section 2401(a) for stage 1 of the replacement of the Army Medical Research Institute of Infectious Diseases at Fort Detrick, Maryland).

(c) **LIMITATION ON TOTAL COST OF BASE CLOSURE AND REALIGNMENT ACTIVITIES.**—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all base closure and realignment activities, including real property acquisition and military construction projects, carried out under section 2404(a) of this Act may not exceed the sum of the following:

(1) The total amount authorized to be appropriated under subsection (a)(8).

(2) \$666,500,000 (the balance of the amount authorized under section 2404(a) for base closure and realignment activities).

(d) **NOTICE AND WAIT REQUIREMENT APPLICABLE TO OBLIGATION OF FUNDS FOR BASE CLOSURE AND REALIGNMENT ACTIVITIES.**—Funds appropriated pursuant to the authorization of appropriations in subsection (a)(8) may not be obligated until—

(1) a period of 21 days has expired following the date on which the Secretary of Defense submits to the congressional defense committees a report describing the specific programs, projects, and activities for which the funds are to be obligated; or

(2) if over sooner, a period of 14 days has expired following the date on which a copy of the report is provided in an electronic medium pursuant to section 480 of title 10, United States Code.

SEC. 2406. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2006 PROJECTS.

(a) **MODIFICATION OF INSIDE THE UNITED STATES NATIONAL SECURITY AGENCY PROJECTS.**—The table relating to the National Security Agency in subsection (a) of section 2401 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109-163; 119 Stat. 3497) is amended—

(1) in the item relating to Augusta, Georgia, by striking “\$61,466,000” in the amount column and inserting “\$340,836,000”; and

(2) in the item relating to Kunia, Hawaii, by striking “\$305,000,000” in the amount column and inserting “\$350,490,000”.

(b) **MODIFICATION OF OUTSIDE THE UNITED STATES NATIONAL SECURITY AGENCY PROJECT.**—The table relating to the National Security Agency in subsection (b) of such section (119 Stat. 3498) is amended in the item relating to Menwith Hill, United Kingdom, by striking “\$86,354,000” in the amount column and inserting “\$87,752,000”.

(c) **CONFORMING AMENDMENTS.**—Section 2403(b) of that Act (119 Stat. 3500) is amended—

(1) in paragraph (2), by striking “\$12,500,000” and inserting “\$291,870,000”; and

(2) in paragraph (3), by striking “\$256,034,000” and inserting “\$301,524,000”; and

(3) in paragraph (5), by striking “\$44,657,000” and inserting “\$46,055,000”.

TITLE V—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

Sec. 2501. Authorized NATO construction and land acquisition projects.

Sec. 2502. Authorization of appropriations, NATO.

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Security Investment program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2006, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Security Investment program authorized by section 2501, in the amount of \$200,985,000.

TITLE VI—GUARD AND RESERVE FORCES FACILITIES

Sec. 2601. Authorized Guard and Reserve construction and land acquisition projects.

SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2006, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), in the following amounts:

- (1) For the Department of the Army—
 - (A) for the Army National Guard of the United States, \$518,403,000; and
 - (B) for the Army Reserve, \$169,487,000.
- (2) For the Department of the Navy, for the Navy Reserve and Marine Corps Reserve, \$55,158,000.
- (3) For the Department of the Air Force—
 - (A) for the Air National Guard of the United States, \$212,788,000; and
 - (B) for the Air Force Reserve, \$56,836,000.

TITLE VII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS

Sec. 2701. Expiration of authorizations and amounts required to be specified by law.

Sec. 2702. Effective date.

SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVI for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment program (and authorizations of appropriations therefor) shall expire on the later of—

- (1) October 1, 2009; or
 - (2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2010.
- (b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

- (1) October 1, 2009; or
- (2) the date of the enactment of an Act authorizing funds for fiscal year 2010 for military construction projects, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Security Investment program.

SEC. 2702. EFFECTIVE DATE.

Titles XXI, XXII, XXIII, XXIV, XXV, and XXVI of this Act shall take effect on the later of—

- (1) October 1, 2006; or
- (2) the date of the enactment of this Act.

TITLE VIII—MILITARY CONSTRUCTION GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

- Sec. 2801. Increase in maximum annual amount authorized to be obligated for emergency military construction.
- Sec. 2802. Applicability of local comparability of room pattern and floor area requirements to construction, acquisition, and improvement to military unaccompanied housing.
- Sec. 2803. Authority to use proceeds from sale of military family housing to support military housing privatization initiative.
- Sec. 2804. Repeal of special requirement for military construction contracts on Guam.
- Sec. 2805. Congressional notification of cancellation ceiling for Department of Defense energy savings performance contracts.

Sec. 2806. Expansion of authority to convey property at military installations to support military construction.

Sec. 2807. Pilot projects for acquisition or construction of military unaccompanied housing.

Sec. 2808. Consideration of alternative and more efficient uses for general officer and flag officer quarters in excess of 6,000 square feet.

Sec. 2809. Repeal of temporary minor military construction program.

Sec. 2810. One-year extension of temporary, limited authority to use operation and maintenance funds for construction projects outside the United States.

Subtitle B—Real Property and Facilities Administration

Sec. 2821. Consolidation of Department of Defense authorities regarding granting of easements for rights-of-way.

Sec. 2822. Authority to grant restrictive easements in connection with land conveyances.

Sec. 2823. Maximum term of leases for structures and real property relating to structures in foreign countries needed for purposes other than family housing.

Sec. 2824. Consolidation of laws relating to transfer of Department of Defense real property within the department and to other Federal agencies.

Sec. 2825. Congressional notice requirements in advance of acquisition of land by condemnation for military purposes.

Subtitle C—Base Closure and Realignment

Sec. 2831. Treatment of lease proceeds from military installations approved for closure or realignment after January 1, 2005.

Subtitle D—Land Conveyances

Sec. 2841. Land conveyance, Naval Air Station, Barbers Point, Hawaii.

Sec. 2842. Modification of land acquisition authority, Perquimans County, North Carolina.

Sec. 2843. Land conveyance, Radford Army Ammunition Plant, Pulaski County, Virginia.

Subtitle E—Other Matters

Sec. 2851. Availability of community planning assistance relating to encroachment of civilian communities on military facilities used for training by the Armed Forces.

Sec. 2852. Prohibitions against making certain military airfields or facilities available for use by civil aircraft.

Sec. 2853. Naming housing facility at Fort Carson, Colorado, in honor of Joel Hefley, a member of the House of Representatives.

Sec. 2854. Naming Navy and Marine Corps Reserve Center at Rock Island, Illinois, in honor of Lane Evans, a member of the House of Representatives.

Sec. 2855. Naming of research laboratory at Air Force Rome Research Site, Rome, New York, in honor of Sherwood L. Boehlert, a member of the House of Representatives.

Subtitle A—Military Construction Program and Military Family Housing Changes**SEC. 2801. INCREASE IN MAXIMUM ANNUAL AMOUNT AUTHORIZED TO BE OBLIGATED FOR EMERGENCY MILITARY CONSTRUCTION.**

Section 2803(c)(1) of title 10, United States Code, is amended by striking “\$45,000,000” and inserting “\$60,000,000”.

SEC. 2802. APPLICABILITY OF LOCAL COMPARABILITY OF ROOM PATTERN AND FLOOR AREA REQUIREMENTS TO CONSTRUCTION, ACQUISITION, AND IMPROVEMENT TO MILITARY UNACCOMPANIED HOUSING.

(a) APPLICATION TO MILITARY UNACCOMPANIED HOUSING.—Section 2826 of title 10, United States Code, is amended—

(1) in subsection (a)—

- (A) by inserting “or military unaccompanied housing” after “military family housing” the first place it appears; and

- (B) by striking “military family housing” the second place it appears and inserting “such housing”;

(2) in subsection (b)—

- (A) by striking “REQUESTS FOR AUTHORITY FOR MILITARY FAMILY HOUSING” and inserting “INFORMATION ON NET FLOOR AREAS OF PROPOSED UNITS”;

(B) in paragraph (1)—

- (i) by inserting “or military unaccompanied housing” after “military family housing” the first place it appears; and

- (ii) by striking “military family housing” the second place it appears and inserting “such housing”;

(C) in paragraph (2), by striking “military family housing unit” and inserting “unit of military family housing or military unaccompanied housing”.

(b) WAIVER AUTHORITY.—Such section is further amended by adding at the end the following new subsection:

“(c) WAIVER AUTHORITY.—The Secretary concerned may waive the requirements of subsection (a) in the case of the construction, acquisition, or improvement of military unaccompanied housing on a case-by-case basis. The Secretary shall include the reasons for the waiver in the request submitted to Congress for authority to carry out the construction, acquisition, or improvement project.”.

(c) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section is amended to read as follows:

“§2826. Local comparability of room patterns and floor areas”.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of subchapter II of chapter 169 of such title is amended by striking the item relating to section 2826 and inserting the following new item:

“2826. Local comparability of room patterns and floor areas.”.

(d) REPEAL OF SUPERSEDED PROVISION.—

(1) REPEAL.—Section 2856 of such title is repealed.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter III of chapter 169 of such title is amended by striking the item relating to section 2856.

(e) CONFORMING AMENDMENTS REGARDING ALTERNATIVE ACQUISITION AND IMPROVEMENT AUTHORITY.—Section 2880(b) of such title is amended—

- (1) by striking “(1)”;
- (2) by inserting “or military unaccompanied housing” after “military family housing”; and
- (3) by striking paragraph (2).

SEC. 2803. AUTHORITY TO USE PROCEEDS FROM SALE OF MILITARY FAMILY HOUSING TO SUPPORT MILITARY HOUSING PRIVATIZATION INITIATIVE.

(a) TRANSFER FLEXIBILITY.—Section 2831 of title 10, United States Code, is amended—

(1) in subsection (b), by striking “There” and inserting “Except as provided in subsection (e), there”;

(2) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

(3) by inserting after subsection (d) the following new subsection (e):

“(e) AUTHORITY TO TRANSFER CERTAIN PROCEEDS TO SUPPORT MILITARY HOUSING PRIVATIZATION INITIATIVE.—(1) The Secretary concerned may transfer family housing proceeds referred to in subsection (b)(3) to the Department

of Defense Family Housing Improvement Fund established under section 2883(a)(1) of this title.

“(2) A transfer of proceeds under paragraph (1) may be made only after the end of the 30-day period beginning on the date the Secretary concerned submits written notice of, and justification for, the transfer to the appropriate committees of Congress or, if earlier, the end of the 14-day period beginning on the date on which a copy of the notice and justification is provided in an electronic medium pursuant to section 480 of this title.”.

(b) **STYLISTIC AMENDMENTS.**—Such section is further amended—

(1) in subsection (a), by inserting “ESTABLISHMENT.” after “(a)”; and

(2) in subsection (b), by inserting “CREDITS TO ACCOUNT.” after “(b)”; and

(3) in subsection (c), by inserting “AVAILABILITY OF AMOUNTS IN ACCOUNT.” after “(c)”; and

(4) in subsection (d), by inserting “USE OF ACCOUNT.” after “(d)”; and

(c) **CONFORMING AMENDMENT.**—Section 2883(c)(1) of such title is amended by adding at the end the following new subparagraph:

“(G) Proceeds of the handling and the disposal of family housing of a military department that the Secretary concerned transfers to that Fund pursuant to section 2831(e) of this title.”.

SEC. 2804. REPEAL OF SPECIAL REQUIREMENT FOR MILITARY CONSTRUCTION CONTRACTS ON GUAM.

(a) **REPEAL.**—Section 2864 of title 10, United States Code, is repealed.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of subchapter III of chapter 169 of such title is amended by striking the item relating to section 2864.

SEC. 2805. CONGRESSIONAL NOTIFICATION OF CANCELLATION CEILING FOR DEPARTMENT OF DEFENSE ENERGY SAVINGS PERFORMANCE CONTRACTS.

Section 2865 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(g) **CONGRESSIONAL NOTIFICATION OF CANCELLATION CEILING FOR ENERGY SAVINGS PERFORMANCE CONTRACTS.**—When a decision is made to award an energy savings performance contract that contains a clause setting forth a cancellation ceiling in excess of \$7,000,000, the Secretary of Defense shall submit to the appropriate committees of Congress written notification of the proposed contract and of the proposed cancellation ceiling for the contract. The notification shall include the justification for the proposed cancellation ceiling. The contract may then be awarded only after the end of the 30-day period beginning on the date the notification is received by such committees or, if earlier, the end of the 15-day period beginning on the date on which a copy of the notification is provided in an electronic medium pursuant to section 480 of this title.”.

SEC. 2806. EXPANSION OF AUTHORITY TO CONVEY PROPERTY AT MILITARY INSTALLATIONS TO SUPPORT MILITARY CONSTRUCTION.

(a) **INCLUSION OF ALL MILITARY INSTALLATIONS.**—Subsection (a) of section 2869 of title 10, United States Code, is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) by inserting “(1)” before “The Secretary concerned”; and

(3) by striking “located on a military installation that is closed or realigned under a base closure law” and inserting “described in paragraph (2)”; and

(4) by adding at the end the following new paragraph:

“(2) Paragraph (1) applies with respect to real property under the jurisdiction of the Secretary concerned that—

“(A) is located on a military installation that is closed or realigned under a base closure law; or

“(B) is determined to be excess to the needs of the Department of Defense.”.

(b) **USE OF AUTHORITY TO SUPPORT AGREEMENTS TO LIMIT ENCROACHMENTS.**—Subparagraph (A) of paragraph (1) of subsection (a) of such section, as redesignated and amended by subsection (a), is further amended by striking “land acquisition” and inserting “land acquisition, including a land acquisition under an agreement entered into under section 2684a of this title to limit encroachments and other constraints on military training, testing, and operations”.

(c) **ADVANCE NOTICE OF USE OF AUTHORITY; CONTENT OF NOTICE.**—Subsection (d) of such section is amended—

(1) in paragraph (1), by striking “closed or realigned under the base closure laws is to be conveyed” and inserting “is proposed for conveyance”; and

(2) by striking paragraph (2) and inserting the following new paragraph:

“(2) The Secretary concerned may not enter into an agreement under subsection (a) for the conveyance of real property until—

“(A) the Secretary submits to Congress notice of the conveyance, including—

“(i) a description of the military construction project, land acquisition, military family housing, or military unaccompanied housing to be carried out under the agreement in exchange for the conveyance of the property; and

“(ii) the amount of any payment to be made under subsection (b) or under section 2684a(d) of this title to equalize the fair market values of the property to be conveyed and the military construction project, land acquisition, military family housing, or military unaccompanied housing to be carried out under the agreement in exchange for the conveyance of the property; and

“(B) a period of 21 days has elapsed from the date of receipt of the notice or, if over sooner, a period of 14 days has elapsed from the date on which a copy of the notice is provided in an electronic medium pursuant to section 480 of this title.”.

(d) **DEPOSIT AND USE OF FUNDS.**—Subsection (e) of such section is amended to read as follows:

“(e) **DEPOSIT AND USE OF FUNDS.**—(1) The Secretary concerned shall deposit funds received under subsection (b) in the appropriation ‘Foreign Currency Fluctuations, Construction, Defense’.

“(2) The funds deposited under paragraph (1) shall be available, in such amounts as provided in appropriation Acts, for the purpose of paying increased costs of overseas military construction and family housing construction or improvement associated with unfavorable fluctuations in currency exchange rates. The use of such funds for this purpose does not relieve the Secretary concerned from the duty to provide advance notice to Congress under section 2853(c) of this title whenever the Secretary approves an increase in the cost of an overseas project under such section.”.

(e) **ANNUAL REPORTS; EFFECT OF FAILURE TO SUBMIT.**—Subsection (f) of such section is amended—

(1) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively;

(2) in subparagraph (C), as so redesignated, by inserting before the period at the end the following: “and of excess real property at military installations”; and

(3) by striking “(f)” and all that follows through “the following:” and inserting the following:

“(f) **ANNUAL REPORTS; EFFECT OF FAILURE TO SUBMIT.**—(1) Not later than March 15 of each year, the Secretary of Defense shall submit to Congress a report detailing the following:”; and

(4) by adding at the end the following new paragraph:

“(2) If the report for a year is not submitted to Congress by the date specified in paragraph

(1), the Secretary concerned may not enter into an agreement under subsection (a) after that date for the conveyance of real property until the date on which the report is finally submitted.”.

(f) **CLERICAL AMENDMENTS.**—

(1) **SECTION HEADING.**—The heading of such section is amended to read as follows:

“§2869. Conveyance of property at military installations to support military construction or limit encroachment”.

(2) **TABLE OF SECTIONS.**—The table of sections at the beginning of subchapter III of chapter 169 of such title is amended by striking the item relating to section 2869 and inserting the following new item:

“2869. Conveyance of property at military installations to support military construction or limit encroachment.”.

(g) **CONFORMING AMENDMENTS TO DEPARTMENT OF DEFENSE HOUSING FUNDS.**—Section 2883(c) of such title is amended—

(1) in paragraph (1), by striking subparagraph (F); and

(2) in paragraph (2), by striking subparagraph (F).

(h) **CONFORMING AMENDMENTS TO AUTHORITY TO LIMIT ENCROACHMENTS.**—Subsection (d)(3) of section 2684a of such title is amended—

(1) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively;

(2) in subparagraph (C), as so redesignated, by striking “in the sharing of acquisition costs of real property, or an interest in real property, under paragraph (1)(B)” and inserting “under subparagraph (A), either through the contribution of funds or excess real property, or both,”; and

(3) by inserting after subparagraph (A) the following new subparagraph (B):

“(B) In lieu of or in addition to making a monetary contribution toward the cost of acquiring a parcel of real property, or an interest therein, pursuant to an agreement under this section, the Secretary concerned may convey, using the authority provided by section 2869 of this title, real property described in subsection (a)(2) of such section.”.

SEC. 2807. PILOT PROJECTS FOR ACQUISITION OR CONSTRUCTION OF MILITARY UNACCOMPANIED HOUSING.

(a) **EXTENSION OF AUTHORITY TO CARRY OUT PILOT PROJECTS.**—Subsection (f) of section 2881a of title 10, United States Code, is amended by striking “2007” and inserting “2011”.

(b) **AUTHORIZED PROJECTS.**—Subsection (a) of such section is amended by striking “three pilot projects” and inserting “six pilot projects”.

(c) **NOTIFICATION OF FUNDING TRANSFERS.**—Subsection (d)(2) of such section is amended by striking “90 days prior notification” and inserting “45 days prior notification, or 30 days if the notification is provided in an electronic medium pursuant to section 480 of this title.”.

(d) **REPORT SUBMISSION.**—Subsection (e)(2) of such section is amended by striking the second sentence and inserting the following new sentence: “The Secretary may then issue the contract solicitation or offer the conveyance or lease after the end of the 45-day period beginning on the date the report is received by the appropriate committees of Congress or, if earlier, the end of the 30-day period beginning on the date on which a copy of the report is provided in an electronic medium pursuant to section 480 of this title.”.

SEC. 2808. CONSIDERATION OF ALTERNATIVE AND MORE EFFICIENT USES FOR GENERAL OFFICER AND FLAG OFFICER QUARTERS IN EXCESS OF 6,000 SQUARE FEET.

(a) **REPORTING REQUIREMENTS.**—Paragraph (1) of subsection (f) of section 2831 of title 10, United States Code, as redesignated by section 2803(a)(2), is amended—

(1) in subparagraph (A), by striking “and” at the end of the subparagraph;

(2) in subparagraph (B)—

(A) by striking “so identified” and inserting “identified under subparagraph (A)”; and

(B) by striking the period at the end of the subparagraph and inserting a semicolon; and

(3) by adding at the end the following new subparagraphs:

“(C) identifying each family housing unit in excess of 6,000 square feet used, or intended for use, as quarters for a general officer or flag officer;

“(D) for each family housing unit identified under subparagraph (C), specifying any alternative and more efficient use to which the unit could be converted (which would include any costs necessary to convert the unit) and containing an explanation of the reasons why the unit is not being converted to the alternative use; and

“(E) for each family housing unit identified under subparagraph (C) for which costs under subparagraph (A) or new construction costs are anticipated to exceed \$100,000 in the next fiscal year, specifying any alternative use to which the unit could be converted (which would include any costs necessary to convert the unit) and an estimate of the costs to demolish and rebuild the unit to private sector standards.”.

(b) CONFORMING AMENDMENT.—The heading of such subsection is amended by striking “COST OF”.

SEC. 2809. REPEAL OF TEMPORARY MINOR MILITARY CONSTRUCTION PROGRAM.

Section 2810 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109-163; 119 Stat. 3509) is repealed.

SEC. 2810. ONE-YEAR EXTENSION OF TEMPORARY, LIMITED AUTHORITY TO USE OPERATION AND MAINTENANCE FUNDS FOR CONSTRUCTION PROJECTS OUTSIDE THE UNITED STATES.

Section 2808(a) of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108-136; 117 Stat. 1723), as amended by section 2810 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108-375; 118 Stat. 2128) and section 2809 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109-163; 119 Stat. 3508), is further amended by striking “and 2006” and inserting “through 2007”.

Subtitle B—Real Property and Facilities Administration

SEC. 2821. CONSOLIDATION OF DEPARTMENT OF DEFENSE AUTHORITIES REGARDING GRANTING OF EASEMENTS FOR RIGHTS-OF-WAY.

(a) CONSOLIDATION.—Subsection (a) of section 2668 of title 10, United States Code, is amended—

(1) in the matter preceding paragraph (1)—

(A) by striking “he” both places it appears and inserting “the Secretary”; and

(B) by striking “his control, to a State, Commonwealth, or possession, or political subdivision thereof, or to a citizen, association, partnership, or corporation of a State, Commonwealth, or possession,” and inserting “the Secretary’s control”;

(2) in paragraph (2), by striking “oil pipe lines” and inserting “gas, water, sewer, and oil pipe lines”; and

(3) in paragraph (13), by striking “he considers advisable, except a purpose covered by section 2669 of this title” and inserting “the Secretary considers advisable”.

(b) STYLISTIC AMENDMENTS.—Such section is further amended—

(1) in subsection (a), by inserting “AUTHORIZED TYPES OF EASEMENTS.—” after “(a)”;

(2) in subsection (b), by inserting “LIMITATION ON SIZE OF EASEMENT.—” after “(b)”;

(3) in subsection (c), by inserting “TERMINATION.—” after “(c)”;

(4) in subsection (d), by inserting “NOTICE TO DEPARTMENT OF THE INTERIOR.—” after “(d)”; and

(5) in subsection (e), by inserting “DISPOSITION OF CONSIDERATION.—” after “(e)”.

(c) CONFORMING REPEAL.—Section 2669 of such title is repealed.

(d) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 159 of such title is amended by striking the item related to section 2669.

SEC. 2822. AUTHORITY TO GRANT RESTRICTIVE EASEMENTS IN CONNECTION WITH LAND CONVEYANCES.

(a) RESTRICTIVE EASEMENTS.—Chapter 159 of title 10, United States Code, is amended by inserting after section 2668 the following new section:

“§2668a. Restrictive easements: granting easement in connection with land conveyances

“(a) AUTHORITY TO INCLUDE RESTRICTIVE EASEMENT.—In connection with the conveyance of real property by the Secretary concerned under any provision of law, the Secretary concerned may grant an easement restricting future uses of the conveyed real property for a conservation purpose consistent with section 170(h)(4)(A)(iv) of the Internal Revenue Code of 1986 (26 U.S.C. 170(h)(4)(A)(iv)).

“(b) AUTHORIZED RECIPIENTS.—An easement under subsection (a) may be granted only to a State or local government or a qualified organization, as that term is used in section 170(h) of the Internal Revenue Code of 1986 (26 U.S.C. 170(h)).

“(c) LIMITATION ON USE OF CONSERVATION EASEMENTS.—An easement under subsection (a) may not be granted unless—

“(1) the Secretary concerned determines that the conservation purpose to be promoted by the easement cannot be effectively achieved through the application of State law by the State or a local government;

“(2) the Secretary consults with the local government whose jurisdiction encompasses the property regarding the grant of the easement; and

“(3) the Secretary can give or assign to a third party the responsibility for monitoring and enforcing the easement.

“(d) ACREAGE LIMITATION.—No easement granted under this section may include more land than is necessary for the easement.

“(e) TERMS AND CONDITIONS.—The grant of an easement under this section shall be subject to such terms and conditions as the Secretary considers advisable.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2668 the following new item:

“2668a. Restrictive easements: granting easement in connection with land conveyances.”.

SEC. 2823. MAXIMUM TERM OF LEASES FOR STRUCTURES AND REAL PROPERTY RELATING TO STRUCTURES IN FOREIGN COUNTRIES NEEDED FOR PURPOSES OTHER THAN FAMILY HOUSING.

Section 2675(a) of title 10, United States Code, is amended by striking “five years” and inserting “10 years”.

SEC. 2824. CONSOLIDATION OF LAWS RELATING TO TRANSFER OF DEPARTMENT OF DEFENSE REAL PROPERTY WITHIN THE DEPARTMENT AND TO OTHER FEDERAL AGENCIES.

(a) INCLUSION OF TRANSFER AUTHORITY BETWEEN ARMED FORCES.—Section 2696 of title 10, United States Code, is amended—

(1) by redesignating subsections (a) and (b) as subsections (b) and (c), respectively; and

(2) by inserting before subsection (b), as so redesignated, the following new subsection:

“(a) TRANSFERS BETWEEN ARMED FORCES.—If either of the Secretaries concerned requests it and the other approves, real property may be transferred, without compensation, from one armed force to another. Section 2571(d) of this title shall apply to the transfer of real property under this subsection.”.

(b) INCLUSION OF DEPARTMENT OF JUSTICE PROGRAM.—The text of section 2693 of such title is amended—

(1) by redesignating paragraphs (1), (2), and (3) of subsection (a) as subparagraphs (A), (B), and (C), respectively;

(2) by redesignating paragraphs (1) and (2) of subsection (b) as subparagraphs (A) and (B), respectively, and in such subparagraph (B), as so redesignated, by striking “this section” and inserting “paragraph (1)”;

(3) by striking “(a) Except as provided in subsection (b)” and inserting “(f) DEPARTMENT OF JUSTICE CORRECTIONAL OPTIONS PROGRAM.—(1) Except as provided in paragraph (2)”;

(4) by striking “(b) The provisions of this section” and inserting “(2) Paragraph (1)”; and

(5) by transferring the text, as so redesignated and amended, to appear as a new subsection (f) at the end of section 2696 of such title.

(c) CONFORMING AMENDMENTS.—

(1) SECTION 2571.—Section 2571(a) of such title is amended by striking “and real estate”.

(2) SECTION 2693.—Section 2693 of such title is repealed.

(3) SECTION 2696.—Section 2696 of such title is amended—

(A) in subsection (b), as redesignated by subsection (a)(1), by striking “SCREENING REQUIREMENT.—” and inserting “SCREENING REQUIREMENTS FOR ADDITIONAL FEDERAL USE.—”;

(B) in subsection (c)(1), as redesignated by subsection (a)(1), by striking “subsection (a)” in the first sentence and inserting “subsection (b)”;

(C) in subsection (d), by striking “subsection (b)(1)” and inserting “subsection (c)(1)”; and

(D) in subsection (e), by striking “this section” and inserting “subsection (b)”.

(d) CLERICAL AMENDMENTS.—

(1) SECTION 2571.—(A) The heading of section 2571 of such title is amended to read as follows:

“§2571. Interchange of supplies and services”.

(B) The table of sections at the beginning of chapter 153 of such title is amended by striking the item relating to section 2571 and inserting the following new item:

“2571. Interchange of supplies and services.”.

(2) SECTIONS 2693 AND 2696.—(A) The heading of section 2696 of such title is amended to read as follows:

“§2696. Transfers and disposals: interchange among armed forces and screening requirements for other Federal use”.

(B) The table of sections at the beginning of chapter 159 of such title is amended—

(i) by striking the item relating to section 2693; and

(ii) by striking the item relating to section 2696 and inserting the following new item:

“2696. Transfers and disposals: interchange among armed forces and screening requirements for other Federal use.”.

SEC. 2825. CONGRESSIONAL NOTICE REQUIREMENTS IN ADVANCE OF ACQUISITION OF LAND BY CONDEMNATION FOR MILITARY PURPOSES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense, when acquiring land for military purposes, should make every effort to do so by means of purchases from willing sellers and should employ condemnation, eminent domain, or seizure procedures only as a measure of last resort in cases of compelling national security requirements.

(b) CONGRESSIONAL NOTICE.—Section 2663(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(3) Before using condemnation, eminent domain, or seizure procedures to acquire any interest in land, including land for temporary use, under this subsection, the Secretary of Defense or the Secretary of the military department concerned shall submit to the congressional defense committees a report that includes certification

that the Secretary has made every effort to acquire the property without use of such procedures, explains the compelling requirements for the acquisition and why alternative acquisition strategies, such as purchases of easements, are inadequate, and describes the property for which the procedures will be employed. Proceedings may be brought with respect to the land only after the end of the 14-day period beginning on the date on which the report is received by the committees or, if over sooner, a period of 10 days elapses from the date on which a copy of the report is provided in an electronic medium pursuant to section 480 of this title.”.

Subtitle C—Base Closure and Realignment

SEC. 2831. TREATMENT OF LEASE PROCEEDS FROM MILITARY INSTALLATIONS APPROVED FOR CLOSURE OR REALIGNMENT AFTER JANUARY 1, 2005.

Paragraph (5) of section 2667(d) of title 10, United States Code, is amended to read as follows:

“(5) Money rentals received by the United States from a lease under subsection (f) at a military installation to be closed or realigned under a base closure law shall be deposited—

“(A) into the account established under section 2906(a) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), if the installation was approved for closure or realignment before January 1, 2005; or

“(B) into the account established under section 2906A(a) of such Act, if the installation was approved for closure or realignment after January 1, 2005.”.

Subtitle D—Land Conveyances

SEC. 2841. LAND CONVEYANCE, NAVAL AIR STATION, BARBERS POINT, HAWAII.

(a) CONVEYANCE OF PROPERTY.—Not later than September 30, 2008, the Secretary of the Navy shall convey, by sale, lease, or a combination thereof, to any public or private person or entity outside the Department of Defense certain parcels of real property, including any improvements thereon, consisting of approximately 499 acres located at the former Naval Air Station, Barbers Point, Oahu, Hawaii, that are subject to the Ford Island Master Development Agreement developed pursuant to section 2814(a)(2) of title 10, United States Code, for the purpose of promoting the beneficial development of the real property.

(b) USE OF EXISTING AUTHORITY.—To implement subsection (a), the Secretary may utilize the special conveyance and lease authorities provided to the Secretary by subsections (b) and (c) of section 2814 of title 10, United States Code, for the purpose of developing or facilitating the development of Ford Island, Hawaii.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with a conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2842. MODIFICATION OF LAND ACQUISITION AUTHORITY, PERQUIMANS COUNTY, NORTH CAROLINA.

Section 2846 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1320), as amended by section 2865 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2149) is further amended by striking “840 acres” and inserting “1,540 acres”.

SEC. 2843. LAND CONVEYANCE, RADFORD ARMY AMMUNITION PLANT, PULASKI COUNTY, VIRGINIA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the Department of Veterans’ Services of the

Commonwealth of Virginia (in this section referred to as the “Department”) all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 85 acres at the Radford Army Ammunition Plant in Pulaski County, Virginia, for the purpose of permitting the Department to establish and operate a State-run cemetery for veterans of the Armed Forces.

(b) REVERSIONARY INTEREST.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purpose of the conveyance specified in such subsection, all right, title, and interest in and to the property shall revert, at the option of the Secretary, to the United States, and the United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(c) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary shall require the Department to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the Department in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the Department.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(d) DESCRIPTION OF REAL PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

Subtitle E—Other Matters

SEC. 2851. AVAILABILITY OF COMMUNITY PLANNING ASSISTANCE RELATING TO ENCROACHMENT OF CIVILIAN COMMUNITIES ON MILITARY FACILITIES USED FOR TRAINING BY THE ARMED FORCES.

Section 2391(d)(1) of title 10, United States Code, is amended by adding at the end the following new sentence: “For purposes of subsection (b)(1)(D), the term ‘military installation’ includes a military facility owned and operated by any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, or the Virgin Islands, even though the facility is not under the jurisdiction of the Department of Defense, if the Secretary of Defense determines that the military facility is subject to significant use for training by the armed forces.”.

SEC. 2852. PROHIBITIONS AGAINST MAKING CERTAIN MILITARY AIRFIELDS OR FACILITIES AVAILABLE FOR USE BY CIVIL AIRCRAFT.

(a) PROHIBITIONS.—The Secretary of the Navy may not enter into any agreement concerning a military installation specified in subsection (b) that would—

(1) authorize civil aircraft to regularly use an airfield or any other property at the installation;

(2) convey any real property at the installation, including any airfield at the installation, for the purpose of permitting the use of the property by civil aircraft.

(b) COVERED INSTALLATIONS.—The prohibitions in subsection (a) apply with respect to the following military installations:

(1) Marine Corps Air Station, Camp Pendleton, California.

(2) Marine Corps Air Station, Miramar, California.

(3) Marine Corps Base, Camp Pendleton, California.

(4) Naval Air Station, North Island, California.

(c) REPEAL OF EXISTING LIMITED PROHIBITION.—Section 2894 of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104–106; 110 Stat. 592) is repealed.

SEC. 2853. NAMING HOUSING FACILITY AT FORT CARSON, COLORADO, IN HONOR OF JOEL HEFLEY, A MEMBER OF THE HOUSE OF REPRESENTATIVES.

(a) FINDINGS.—Congress makes the following findings:

(1) Representative Joel Hefley was elected to represent Colorado’s 5th Congressional district in 1986 and has served in the House of Representatives since that time with distinction, class, integrity, and honor.

(2) Representative Hefley has served on the Committee on Armed Services of the House of Representatives for 18 years, including service as Chairman of the Subcommittee on Military Installations and Facilities from 1995 through 2000 and, since 2001, as Chairman of the Subcommittee on Readiness.

(3) Representative Hefley’s colleagues know him to be a fair and effective lawmaker who works for the national interest while never forgetting his Western roots.

(4) Representative Hefley’s efforts on the Committee on Armed Services have been instrumental to the military value of, and quality of life at, installations in the State of Colorado, including Fort Carson, Cheyenne Mountain, Peterson Air Force Base, Schriever Air Force Base, Buckley Air Force Base, and the United States Air Force Academy.

(5) Representative Hefley was a leader in efforts to retain and expand Fort Carson as an essential part of the national defense system during the Defense Base Closure and Realignment process.

(6) Representative Hefley has consistently advocated for providing members of the Armed Forces and their families with quality, safe, and affordable housing and supportive communities.

(7) Representative Hefley spearheaded the Military Housing Privatization Initiative to eliminate inadequate housing on military installations, with the first pilot program located at Fort Carson.

(8) Representative Hefley’s leadership on the Military Housing Privatization Initiative has allowed for the privatization of more than 121,000 units of military family housing, which brought meaningful improvements to living conditions for thousands of members of the Armed Forces and their spouses and children at installations throughout the United States.

(9) It is fitting and proper that an appropriate military family housing area or structure at Fort Carson be designated in honor of Representative Hefley, and it is further appropriate that division B of this Act, which authorizes funds for fiscal year 2007 for military construction projects, land acquisition, and family housing projects and facilities, be designated in honor of Representative Hefley.

(b) DESIGNATION.—The Secretary of the Army shall designate one of the military family housing areas or facilities constructed for Fort Carson, Colorado, using the authority provided by subchapter IV of chapter 169 of title 10, United States Code, as the “Joel Hefley Village”.

SEC. 2854. NAMING NAVY AND MARINE CORPS RESERVE CENTER AT ROCK ISLAND, ILLINOIS, IN HONOR OF LANE EVANS, A MEMBER OF THE HOUSE OF REPRESENTATIVES.

(a) FINDINGS.—Congress makes the following findings:

(1) Representative Lane Evans was elected to the House of Representatives in 1982 and is now in his 12th term representing the people of Illinois' 17th Congressional district.

(2) As a member of the Committee on Armed Services of the House of Representatives, Representative Evans has worked to bring common sense priorities to defense spending and strengthen the military's conventional readiness.

(3) Representative Evans has been a tireless advocate for military veterans, ensuring that veterans receive the medical care they need and advocating for individuals suffering from post-traumatic stress disorder and Gulf War Syndrome.

(4) Representative Evans' efforts to improve the transition of individuals from military service to the care of the Department of Veterans Affairs will continue to benefit generations of veterans long into the future.

(5) Representative Evans is credited with bringing new services to veterans living in his Congressional district, including outpatient clinics in the Quad Cities and Quincy and the Quad-Cities Vet Center.

(6) Representative Evans has worked with local leaders to promote the Rock Island Arsenal and has seen it win new jobs and missions through his support.

(7) In honor of his service in the Marine Corps and to his district and the United States, it is fitting and proper that the Navy and Marine Corps Reserve Center at Rock Island Arsenal be named in honor of Representative Evans.

(b) DESIGNATION.—The Navy and Marine Corps Reserve Center at Rock Island Arsenal, Illinois, shall be known and designated as the "Lane Evans Navy and Marine Corps Reserve Center". Any reference in a law, map, regulation, document, paper, or other record of the United States to the Navy and Marine Corps Reserve Center at Rock Island Arsenal shall be deemed to be a reference to the Lane Evans Navy and Marine Corps Reserve Center.

SEC. 2855. NAMING OF RESEARCH LABORATORY AT AIR FORCE ROME RESEARCH SITE, ROME, NEW YORK, IN HONOR OF SHERWOOD L. BOEHLERT, A MEMBER OF THE HOUSE OF REPRESENTATIVES.

The new laboratory building at the Air Force Rome Research Site, Rome, New York, shall be known and designated as the "Sherwood L. Boehlert Engineering Center". Any reference in a law, map, regulation, document, paper, or other record of the United States to such laboratory facility shall be deemed to be a reference to the Sherwood L. Boehlert Engineering Center.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

Sec. 3101. National Nuclear Security Administration.

Sec. 3102. Defense environmental cleanup.

Sec. 3103. Other defense activities.

Sec. 3104. Defense nuclear waste disposal.

Subtitle B—Program Authorizations, Restrictions, and Limitations

Sec. 3111. Plan for transformation of National Nuclear Security Administration nuclear weapons complex.

Sec. 3112. Extension of Facilities and Infrastructure Recapitalization Program.

Sec. 3113. Utilization of contributions to Global Threat Reduction Initiative.

Sec. 3114. Utilization of contributions to Second Line of Defense program.

Sec. 3115. Two-year extension of authority for appointment of certain scientific, engineering, and technical personnel.

Sec. 3116. National Academy of Sciences study of quantification of margins and uncertainty methodology for assessing and certifying the safety and reliability of the nuclear stockpile.

Sec. 3117. Consolidation of counterintelligence programs of Department of Energy and National Nuclear Security Administration.

Subtitle A—National Security Programs Authorizations

SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2007 for the activities of the National Nuclear Security Administration in carrying out programs necessary for national security in the amount of \$9,265,811,000 to be allocated as follows:

(1) For weapons activities, \$6,467,889,000.

(2) For defense nuclear nonproliferation activities, \$1,616,213,000.

(3) For naval reactors, \$795,133,000.

(4) For the Office of the Administrator for Nuclear Security, \$386,576,000.

(b) AUTHORIZATION OF NEW PLANT PROJECTS.—From funds referred to in subsection (a) that are available for carrying out plant projects, the Secretary of Energy may carry out the following new plant projects:

(1) For weapons activities:

Project 07-D-140, project engineering and design, various locations, \$4,977,000.

Project 07-D-220, Radioactive Liquid Waste Treatment Facility upgrade, Los Alamos National Laboratory, \$14,828,000.

Project 07-D-253, TA-1 Heating Systems Modernization, Facilities and Infrastructure Recapitalization Program, \$14,500,000.

(2) For defense nuclear nonproliferation activities:

Project 07-SC-05, Physical Sciences Facility, Pacific Northwest National Laboratory, \$4,220,000.

(3) For naval reactors:

Project 07-D-190, project engineering and design, Materials Research Technology Complex, \$1,485,000.

SEC. 3102. DEFENSE ENVIRONMENTAL CLEANUP.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2007 for defense environmental cleanup activities in carrying out programs necessary for national security in the amount of \$5,440,312,000.

SEC. 3103. OTHER DEFENSE ACTIVITIES.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2007 for other defense activities in carrying out programs necessary for national security in the amount of \$717,788,000.

SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2007 for defense nuclear waste disposal for payment to the Nuclear Waste Fund established in section 302(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)) in the amount of \$388,080,000.

Subtitle B—Program Authorizations, Restrictions, and Limitations

SEC. 3111. PLAN FOR TRANSFORMATION OF NATIONAL NUCLEAR SECURITY ADMINISTRATION NUCLEAR WEAPONS COMPLEX.

(a) PLAN REQUIRED.—Subtitle A of title XLII of the Atomic Energy Defense Act (division D of Public Law 107-314) is amended by inserting

after section 4213 (50 U.S.C. 2533) the following new section:

“SEC. 4214. PLAN FOR TRANSFORMATION OF NATIONAL NUCLEAR SECURITY ADMINISTRATION NUCLEAR WEAPONS COMPLEX.

“(a) PLAN REQUIRED.—The Secretary of Energy and the Secretary of Defense shall develop a plan to transform the nuclear weapons complex so as to achieve a responsive infrastructure by 2030. The plan shall be designed to accomplish the following objectives:

“(1) To maintain the safety, reliability, and security of the United States nuclear weapons stockpile.

“(2) To continue Stockpile Life Extension Programs that the Nuclear Weapons Council considers necessary.

“(3) To prepare to produce replacement warheads under the Reliable Replacement Warhead program at a rate necessary to meet future stockpile requirements, commencing with a first production unit in 2012 and achieving steady-state production using modern manufacturing processes by 2025.

“(4) To eliminate, within the nuclear weapons complex, duplication of production capability except to the extent required to ensure the safety, reliability, and security of the stockpile.

“(5) To maintain the current philosophy within the national security laboratories of peer review of nuclear weapons designs while eliminating duplication of laboratory capabilities except to the extent required to ensure the safety, reliability, and security of the stockpile.

“(6) To maintain the national security mission, and in particular the science-based Stockpile Stewardship Program, as the primary mission of the national security laboratories while optimizing the work-for-others activities of those laboratories to support other national security objectives in fields such as intelligence and homeland security.

“(7) To consolidate to the maximum extent practicable, and to provide for the ultimate disposition of, special nuclear material throughout the nuclear weapons complex, with the ultimate goal of eliminating Category I and II special nuclear material from the national security laboratories no later than March 1, 2010, so as to further reduce the footprint of the nuclear weapons complex, reduce security costs, and reduce transportation costs for special nuclear material.

“(8) To employ a risk-based approach to ensure compliance with Design Basis Threat security requirements.

“(9) To expeditiously dismantle inactive nuclear weapons to reduce the size of the stockpile to the lowest level required by the Nuclear Weapons Council.

“(10) To operate the nuclear weapons complex in a more cost-effective manner.

“(b) REPORT.—Not later than February 1, 2007, the Secretary of Energy and Secretary of Defense shall submit to the congressional defense committees a report on the transformation plan required by subsection (a). The report shall address each of the objectives required by subsection (c) and also include each of the following:

“(1) A comprehensive list of the capabilities, facilities, and project staffing that the National Nuclear Security Administration will need to have in place at the nuclear weapons complex as of 2030 to meet the requirements of the transformation plan.

“(2) A comprehensive list of the capabilities and facilities that the National Nuclear Security Administration currently has in place at the nuclear weapons complex that will not be needed as of 2030 to meet the requirements of the transformation plan.

“(3) A plan for implementing the transformation plan, including a schedule with incremental milestones.

“(c) CONSULTATION.—The Secretary of Energy and the Secretary of Defense shall develop the

transformation plan required by subsection (a) in consultation with the Nuclear Weapons Council.

“(d) **DEFINITION.**—In this section, the term ‘national security laboratory’ has the meaning given such term in section 3281 of the National Nuclear Security Administration Act (50 U.S.C. 2471).”

(b) **INCLUSION IN FUTURE-YEARS NUCLEAR SECURITY PROGRAM.**—Section 3253 of the National Nuclear Security Administration Act (50 U.S.C. 2453) is amended in subsection (b) by adding at the end the following new paragraph:

“(5) A statement of proposed budget authority, estimated expenditures, and proposed appropriations necessary to support the programs required to implement the plan to transform the nuclear weapons complex under section 4214 of the Atomic Energy Defense Act, together with a detailed description of how the funds identified for each program element specified pursuant to paragraph (1) in the budget for the Administration for each fiscal year during that five-fiscal-year period will help ensure that those programs are implemented. The statement shall assume year-to-year funding profiles that account for increases only for projected inflation.”

SEC. 3112. EXTENSION OF FACILITIES AND INFRASTRUCTURE RECAPITALIZATION PROGRAM.

Section 3114 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136; 50 U.S.C. 2453 note), as amended by section 3113 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375; 118 Stat. 2160), is amended—

(1) in subsection (a)(3)(F), by striking “2011” and inserting “2013”; and

(2) in subsection (b), by striking “2011” and inserting “2013”.

SEC. 3113. UTILIZATION OF CONTRIBUTIONS TO GLOBAL THREAT REDUCTION INITIATIVE.

Section 3132 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375; 118 Stat. 2166; 50 U.S.C. 2569) is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by adding after subsection (e) the following new subsection:

“(f) **PARTICIPATION BY OTHER GOVERNMENTS AND ORGANIZATIONS.**—

“(1) **IN GENERAL.**—The Secretary of Energy may, with the concurrence of the Secretary of State, enter into one or more agreements with any person (including a foreign government, international organization, or multinational entity) that the Secretary of Energy considers appropriate under which the person contributes funds for purposes of the program under this section.

“(2) **RETENTION AND USE OF AMOUNTS.**—The Secretary of Energy may retain and use amounts contributed under an agreement under paragraph (1) for purposes of the program under this section. Amounts so contributed shall be retained in a separate fund established in the Treasury for such purposes and shall be available until expended, without further appropriation, for such purposes.”

SEC. 3114. UTILIZATION OF CONTRIBUTIONS TO SECOND LINE OF DEFENSE PROGRAM.

(a) **IN GENERAL.**—The Secretary of Energy may, with the concurrence of the Secretary of State, enter into one or more agreements with any person (including a foreign government, international organization, or multinational entity) that the Secretary of Energy considers appropriate under which the person contributes funds for purposes of the Second Line of Defense program of the National Nuclear Security Administration.

(b) **RETENTION AND USE OF AMOUNTS.**—The Secretary of Energy may retain and use amounts contributed under an agreement under

subsection (a) for purposes of the Second Line of Defense program. Amounts so contributed shall be retained in a separate fund established in the Treasury for such purposes and shall be available until expended, without further appropriation, for such purposes.

(c) **TERMINATION OF AUTHORITY.**—The authority to accept contributions under subsection (a) terminates December 31, 2013.

SEC. 3115. TWO-YEAR EXTENSION OF AUTHORITY FOR APPOINTMENT OF CERTAIN SCIENTIFIC, ENGINEERING, AND TECHNICAL PERSONNEL.

Section 4601(c)(1) of the Atomic Energy Defense Act (50 U.S.C. 2701(c)(1)) is amended by striking “September 30, 2006” and inserting “September 30, 2008”.

SEC. 3116. NATIONAL ACADEMY OF SCIENCES STUDY OF QUANTIFICATION OF MARGINS AND UNCERTAINTY METHODOLOGY FOR ASSESSING AND CERTIFYING THE SAFETY AND RELIABILITY OF THE NUCLEAR STOCKPILE.

(a) **STUDY REQUIRED.**—The Secretary of Energy shall, as soon as practicable and no later than 120 days after the date of the enactment of this Act, enter into an arrangement with the National Research Council of the National Academy of Sciences for the Council to carry out a study of the quantification of margins and uncertainty methodology used by the national security laboratories for assessing and certifying the safety and reliability of the nuclear stockpile.

(b) **MATTERS INCLUDED.**—The study required by subsection (a) shall evaluate the following:

(1) The use of the quantification of margins and uncertainty methodology by the national security laboratories, including underlying assumptions of weapons performance and the ability of modeling and simulation tools to predict nuclear explosive package characteristics.

(2) The manner in which that methodology is used to conduct the annual assessments of the nuclear weapons stockpile.

(3) How the use of that methodology compares and contrasts between the national security laboratories.

(4) The process by which conflicts between the national security laboratories in the application of that methodology are resolved.

(5) An assessment of whether the application of the quantification of margins and uncertainty used for annual assessments and certification of the nuclear weapons stockpile can be applied to the planned Reliable Replacement Warhead program so as to carry out the objective of that program to reduce the likelihood of the resumption of underground testing of nuclear weapons.

(c) **REPORT.**—

(1) **IN GENERAL.**—Not later than one year after the date on which the arrangement required by subsection (a) is entered into, the National Research Council shall submit to the Secretary of Energy and the congressional committees specified in paragraph (2), a report on the study that addresses the matters listed in subsection (b) and any other matters considered by the National Research Council to be relevant to the use of the quantification of margins and uncertainty methodology in assessing the current or future nuclear weapons stockpile.

(2) **SPECIFIED COMMITTEES.**—The congressional committees referred to in paragraph (1) are the following:

(A) The Committee on Armed Services of the Senate.

(B) The Committee on Armed Services of the House of Representatives.

(d) **PROVISION OF INFORMATION.**—The Secretary of Energy shall, in a timely manner, make available to the National Research Council all information that the National Research Council considers necessary to carry out its responsibilities under this section.

(e) **FUNDING.**—Of the amounts made available to the Department of Energy pursuant to the

authorization of appropriations in section 3101, \$2,000,000 shall be available only for carrying out the study required by this section.

SEC. 3117. CONSOLIDATION OF COUNTERINTELLIGENCE PROGRAMS OF DEPARTMENT OF ENERGY AND NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) **TRANSFER OF FUNCTIONS.**—The functions, personnel, funds, assets, and other resources of the Office of Defense Nuclear Counterintelligence of the National Nuclear Security Administration are transferred to the Secretary of Energy, to be administered (except to any extent otherwise directed by the Secretary) by the Director of the Office of Counterintelligence of the Department of Energy.

(b) **NNSA COUNTERINTELLIGENCE OFFICE ABOLISHED.**—

(1) **IN GENERAL.**—Section 3232 of the National Nuclear Security Administration Act (50 U.S.C. 3232) is amended—

(A) by amending the heading to read as follows:

“**SEC. 3232. OFFICE OF DEFENSE NUCLEAR SECURITY.**”;

(B) by striking subsection (a) and inserting the following new subsection (a):

“(a) **ESTABLISHMENT.**—There is within the Administration an Office of Defense Nuclear Security, headed by a Chief appointed by the Secretary of Energy. The Administrator shall recommend to the Secretary suitable candidates for such position.”;

(C) by striking subsection (b); and

(D) by redesignating subsection (c) as subsection (b).

(2) **CONFORMING AMENDMENT.**—The table of sections at the beginning of the National Nuclear Security Administration Act is amended by striking the item relating to section 3232 and inserting the following new item:

“Sec. 3232. Office of Defense Nuclear Security.”.

(c) **COUNTERINTELLIGENCE PROGRAMS AT NNSA FACILITIES.**—Section 3233 of the National Nuclear Security Administration Act (50 U.S.C. 2423) is amended—

(1) in each of subsections (a) and (b), by striking “The Administrator shall” and inserting “The Secretary of Energy shall”; and

(2) in subsection (b), by striking “Office of Defense Nuclear Counterintelligence” and inserting “Office of Counterintelligence of the Department of Energy”.

(d) **STATUS OF NNSA INTELLIGENCE AND COUNTERINTELLIGENCE PERSONNEL.**—Section 3220 of the National Nuclear Security Administration Act (50 U.S.C. 2410) is amended by adding at the end the following new subsection:

“(e) **STATUS OF INTELLIGENCE AND COUNTERINTELLIGENCE PERSONNEL.**—Notwithstanding the restrictions of subsections (a) and (b), each officer or employee of the Administration, or of a contractor of the Administration, who is carrying out activities related to intelligence or counterintelligence shall, in carrying out those activities, be subject to the authority, direction, and control of the Secretary of Energy or the Secretary’s delegate.”.

(e) **SERVICE FROM WHICH DOE INTELLIGENCE DIRECTOR AND COUNTERINTELLIGENCE DIRECTOR APPOINTED.**—Section 215(b)(1) (42 U.S.C. 7144b(b)(1)) and section 216(b)(1) (42 U.S.C. 7144c(b)(1)) of the Department of Energy Organization Act are each amended by striking “which shall be a position in the Senior Executive Service” and inserting “who shall be an employee in the Senior Executive Service, the Senior Intelligence Service, the Senior National Intelligence Service, or any other Service that the Secretary, in coordination with the Director of National Intelligence, considers appropriate”.

(f) **INTELLIGENCE EXECUTIVE COMMITTEE; BUDGET FOR INTELLIGENCE AND COUNTERINTELLIGENCE.**—Section 214 of the Department of Energy Organization Act (42 U.S.C. 7144a) is amended—

(1) by inserting “(a)” before “The Secretary shall be responsible”; and

(2) by adding at the end the following:

“(b)(1) There is within the Department an Intelligence Executive Committee. The Committee shall consist of the Deputy Secretary of Energy, who shall chair the Committee, and each Under Secretary of Energy.

“(2) The Committee shall be staffed by the Director of the Office of Intelligence and the Director of the Office of Counterintelligence.

“(3) The Secretary shall use the Committee to assist in developing and promulgating the counterintelligence and intelligence policies, requirements, and priorities of the Department.

“(c) In the budget justification materials submitted to Congress in support of each budget submitted by the President to Congress under title 31, United States Code, the amounts requested for the Department for intelligence functions and the amounts requested for the Department for counterintelligence functions shall each be specified in appropriately classified individual, dedicated program elements. Within the amounts requested for counterintelligence functions, the amounts requested for the National Nuclear Security Administration shall be specified separately from the amounts requested for other elements of the Department.”

(g) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Inspector General of the Department of Energy shall submit to Congress a report on the implementation of this section and of the amendments required by this section. The report shall include the Inspector General's evaluation of that implementation.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Sec. 3201. Authorization.

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 2007, \$22,260,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

Sec. 3301. Authorized uses of National Defense Stockpile funds.

Sec. 3302. Revisions to required receipt objectives for previously authorized disposals from National Defense Stockpile.

SEC. 3301. AUTHORIZED USES OF NATIONAL DEFENSE STOCKPILE FUNDS.

(a) OBLIGATION OF STOCKPILE FUNDS.—During fiscal year 2007, the National Defense Stockpile Manager may obligate up to \$52,132,000 of the funds in the National Defense Stockpile Transaction Fund established under subsection (a) of section 9 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h) for the authorized uses of such funds under subsection (b)(2) of such section, including the disposal of hazardous materials that are environmentally sensitive.

(b) ADDITIONAL OBLIGATIONS.—The National Defense Stockpile Manager may obligate amounts in excess of the amount specified in subsection (a) if the National Defense Stockpile Manager notifies Congress that extraordinary or emergency conditions necessitate the additional obligations. The National Defense Stockpile Manager may make the additional obligations described in the notification after the end of the 45-day period beginning on the date on which Congress receives the notification.

(c) LIMITATIONS.—The authorities provided by this section shall be subject to such limitations as may be provided in appropriations Acts.

SEC. 3302. REVISIONS TO REQUIRED RECEIPT OBJECTIVES FOR PREVIOUSLY AUTHORIZED DISPOSALS FROM NATIONAL DEFENSE STOCKPILE.

(a) FISCAL YEAR 1999 DISPOSAL AUTHORITY.—Section 3303(a) of the Strom Thurmond National

Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 50 U.S.C. 98d note), as amended by section 3302 of the Ronald W. Reagan National Defense Authorization Act for Year 2005 (Public Law 108–375; 118 Stat. 2193) and section 3302 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3545), is amended—

(1) by striking “and” at the end of paragraph (5); and

(2) by striking the period at the end of paragraph (6) and inserting “; and”; and

(3) by adding at the end the following new paragraph:

“(7) \$1,365,000,000 by the end of fiscal year 2014.”

(b) FISCAL YEAR 1998 DISPOSAL AUTHORITY.—Section 3305(a)(5) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 50 U.S.C. 98d note), as amended by section 3305 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1390), is amended by striking “2006” and inserting “2008”.

(c) FISCAL YEAR 1997 DISPOSAL AUTHORITY.—Section 3303 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 50 U.S.C. 98d note), as amended by section 3402(f) of the National Defense Authorization Act for Year 2000 (Public Law 106–65; 113 Stat. 973) and section 3304(c) of the National Defense Authorization Act for 2002 (Public Law 107–107; 115 Stat. 1390), is amended—

(1) in subsection (a), by striking paragraph (2) and inserting the following new paragraph (2):

“(2) \$720,000,000 during the 12-fiscal year period ending September 30, 2008.”; and

(2) in subsection (b)(2), by striking “the 10-fiscal year period” and inserting “the period”.

TITLE XXXIV—NAVAL PETROLEUM RESERVES

Sec. 3401. Authorization of appropriations.

SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.

(a) AMOUNT.—There are hereby authorized to be appropriated to the Secretary of Energy \$18,810,000 for fiscal year 2007 for the purpose of carrying out activities under chapter 641 of title 10, United States Code, relating to the naval petroleum reserves.

(b) PERIOD OF AVAILABILITY.—Funds appropriated pursuant to the authorization of appropriations in subsection (a) shall remain available until expended.

TITLE XXXV—MARITIME ADMINISTRATION

SEC. 3501. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2007.

Funds are hereby authorized to be appropriated for fiscal year 2007, to be available without fiscal year limitation if so provided in appropriations Acts, for the use of the Department of Transportation for the Maritime Administration as follows:

(1) For expenses necessary for operations and training activities, \$138,647,000, of which \$19,500,000 shall be available only for paying reimbursement under section 3517 of the Maritime Security Act of 2003 (46 U.S.C. 53101 note).

(2) For expenses to dispose of obsolete vessels in the National Defense Reserve Fleet, including provision of assistance under section 7 of Public Law 92–402, \$25,740,000.

SEC. 3502. LIMITATION ON TRANSFER OF MARITIME SECURITY FLEET OPERATING AGREEMENTS.

Section 53105(e) of title 46, United States Code, is amended—

(1) by inserting “(1) IN GENERAL.—” before the first sentence;

(2) by moving paragraph (1) (as designated by the amendment made by paragraph (1) of this subsection) so as to appear immediately below the heading for such subsection, and 2 ems to the right; and

(3) by adding at the end the following:

“(2) LIMITATION.—The Secretary of Defense may not approve under paragraph (1) transfer

of an operating agreement to a person that is not a citizen of the United States under section 2 of the Shipping Act, 1916 (46 U.S.C. App. 802), unless the Secretary of Defense determines that there is no person who is a citizen under such section and is interested in obtaining the operating agreement for a vessel that is otherwise eligible to be included in the Fleet under section 53102(b).”

SEC. 3503. APPLICABILITY TO CERTAIN MARITIME ADMINISTRATION VESSELS OF LIMITATIONS ON OVERHAUL, REPAIR, AND MAINTENANCE OF VESSELS IN FOREIGN SHIPYARDS.

Section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744) is amended by inserting after subsection (c) the following:

“(d) APPLICABILITY OF LIMITATIONS ON OVERHAUL, REPAIR, AND MAINTENANCE IN FOREIGN SHIPYARDS.—

“(1) APPLICATION OF LIMITATION.—The provisions of section 7310 of title 10, United States Code, shall apply to vessels specified in subsection (b), and to the Secretary of Transportation with respect to those vessels, in the same manner as those provisions apply to vessels specified in subsection (b) of such section, and to the Secretary of the Navy, respectively.

“(2) COVERED VESSELS.—Vessels specified in this paragraph are vessels maintained by the Secretary of Transportation in support of the Department of Defense, including any vessel assigned by the Secretary of Transportation to the Ready Reserve Force that is owned by the United States.”

SEC. 3504. VESSEL TRANSFER AUTHORITY.

The Secretary of Transportation may transfer or otherwise make available without reimbursement to any other department a vessel under the jurisdiction of the Department of Transportation, upon request by the Secretary of the department that receives the vessel.

SEC. 3505. UNITED STATES MERCHANT MARINE ACADEMY GRADUATES: ALTERNATE SERVICE REQUIREMENTS.

(a) SERVICE ON ACTIVE DUTY.—Section 1303(e) of the Merchant Marine Act, 1936 (46 U.S.C. App. 1295b(e)) is amended by adding at the end the following:

“(6)(A) An individual who for the 5-year period following graduation from the Academy, serves as a commissioned officer on active duty in an armed force of the United States or as a commissioned officer in the National Oceanic and Atmospheric Administration shall be excused from the requirements of subparagraphs (C), (D), and (E) of paragraph (1).

“(B) The Secretary may modify or waive any of the terms and conditions set forth in paragraph (1) through the imposition of alternative service requirements.”

(b) APPLICATION.—Paragraph (6) of section 1303(e) of the Merchant Marine Act, 1936 (46 U.S.C. App. 1295b(e)), as added by this subsection, applies only to an individual who enrolls as a cadet at the United States Merchant Marine Academy, and signs an agreement under section paragraph (1) of that section, after the date of the enactment of this Act.

SEC. 3506. UNITED STATES MERCHANT MARINE ACADEMY GRADUATES: SERVICE OBLIGATION PERFORMANCE REPORTING REQUIREMENT.

(a) IN GENERAL.—Section 1303(e) of the Merchant Marine Act, 1936 (46 U.S.C. App. 1295b(e)) is further amended by adding at the end the following:

“(7)(A) Subject to any otherwise applicable restrictions on disclosure in section 552a of title 5, United States Code, the Secretary of Defense or the Secretary of the department in which the Coast Guard is operating, and the Administrator of the National Oceanic and Atmospheric Administration—

“(i) shall report the status of obligated service of an individual graduate of the Academy upon request of the Secretary; and

“(ii) may, in their discretion, notify the Secretary of any failure of the graduate to perform

the graduate's duties, either on active duty or in the Ready Reserve component of their respective service, or as a commissioned officer of the National Oceanic and Atmospheric Administration, respectively.

“(B) A report or notice under subparagraph (A) shall identify any graduate determined to have failed to comply with service obligation requirements and provide all required information as to why such graduate failed to comply.

“(C) Upon receipt of such a report or notice, such graduate may be considered to be in default of the graduate's service obligations by the Secretary, and subject to all remedies the Secretary may have with respect to such a default.”.

(b) *APPLICATION.*—The amendment made by this section does not apply with respect to an agreement entered into under section 1303(e) of the Merchant Marine Act, 1936 (46 U.S.C. 1295b(e)) before the date of the enactment of this Act.

SEC. 3507. TEMPORARY AUTHORITY TO TRANSFER OBSOLETE COMBATANT VESSELS TO NAVY FOR DISPOSAL.

The Secretary of Transportation shall, subject to the availability of appropriations and consistent with section 1535 of title 31, United States Code, popularly known as the Economy Act, transfer to the Secretary of the Navy during fiscal year 2006 for disposal by the Navy, no fewer than 6 combatant vessels in the nonretention fleet of the Maritime Administration that are acceptable to the Secretary of the Navy.

SEC. 3508. TEMPORARY REQUIREMENT TO MAINTAIN READY RESERVE FORCE.

(a) *REPORT TO CONGRESS.*—The Secretary of Defense, in consultation with the Secretary of Transportation, shall submit to Congress by not later than March 1, 2007, a report describing a five-year plan for maintaining the capability of the Ready Reserve Force of the National Defense Reserve Fleet necessary to support Department of Defense wartime missions and support to civil authority missions.

(b) *REQUIREMENT TO MAINTAIN THE READY RESERVE FORCE AT CURRENT STRENGTH.*—The Secretary of Transportation shall maintain 58 vessels in the Ready Reserve Force of the National Defense Reserve Fleet until the end of the 45-day period beginning on the date the report required under subsection (a) is submitted to Congress.

The Acting CHAIRMAN. No amendment to the committee amendment is in order except those printed in House Report 109-459. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to an amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. HUNTER

Mr. HUNTER. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 printed in House Report 109-459 offered by Mr. HUNTER:

At the end of subtitle B of title I (page 22, after line 21), insert the following new section:

SEC. 115. FUNDING FOR CALL FOR FIRE TRAINER/JOINT FIRES AND EFFECTS TRAINER SYSTEM.

(a) *IN GENERAL.*—The amount provided in section 101(5) for Other Procurement, Army, is hereby increased by \$4,000,000, to be avail-

able for a Call for Fire Trainer II/Joint Fires and Effects Trainer System (JFETS) under Line 161 Training Devices, Nonsystem (NA0100).

(b) *OFFSET.*—The amount provided in section 201(1) for Research, Development, Test, and Evaluation, Army, is hereby reduced by \$4,000,000, to be derived from the Joint Tactical Radio System account (Program Element 0604280A).

At the end of title I (page 40, after line 23), insert the following new section:

SEC. 1. AIR FORCE PROGRAM.

(a) *SCIENCE ENGINEERING LAB DATA INTEGRATION.*—The amount provided in section 103 for Other Procurement, Air Force, is hereby increased by \$6,000,000, to be available for Science Engineering Lab Data Integration (SELDI) at the Ogden Air Logistics Center, Utah.

(b) *OFFSET.*—The amount provided in section 201(4) for Research, Development, Test, and Evaluation, Defense-wide, is hereby reduced by \$6,000,000, to be derived from Information and Communications Technology (Program Element 0602301E).

At the end of section 346 (page 98, after line 11) insert the following new subsection:

(e) *EXCEPTION FOR NON-LINE-OF-SIGHT CANNON SYSTEM.*—This section does not apply with respect to the obligation of funds for systems development and demonstration of the non-line-of-sight cannon system.

At the end of subtitle D of title VI (page 229, after line 16), insert the following new section:

SEC. 6xx. STUDY ON RETENTION OF MEMBERS OF THE ARMED FORCES WITHIN SPECIAL OPERATIONS COMMAND.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on means to improve retention of members of the Armed Forces who have a special operations forces designation. The report shall include the following:

(1) The effect on retention of such members if special pays were included in the computation of retired pay for those members with a minimum of 48 months of Hostile Fire Pay (consecutive or nonconsecutive) at the time of retirement.

(2) Information on the cost of training of members of the Armed Forces who have a special operations forces designation, with such information displayed separately for each such designation and shown as aggregate costs of training for such members at the 4-year, 8-year, 12-year, 16-year, and 20-year points of service.

(3) A statement, in the case of members of the Armed Forces with a special operations forces designation who have been deployed at least twice, of the average amount spent on special operations unique training, both predeployment and during deployment.

(4) For each component of the United States Special Operations Command, an estimate of when the assigned strength of that component will be not less than 90 percent of the authorized strength of that component, taking into account anticipated growth that is mentioned in the most recent Quadrennial Defense Review.

(5) The average amount of time a member of the Armed Forces with a special operations forces designation is deployed to areas that warrant Hostile Fire Pay.

(6) The percentage of members of the Armed Forces with a special operations forces designation who have accumulated over 48 months of Hostile Fire Pay and the percentage who have accumulated over 60 months of such pay.

Strike section 662 (page 235, line 20, through page 236, line 18) and insert the following new section:

SEC. 662. PILOT PROJECT FOR PROVISION OF GOLF CARTS ACCESSIBLE FOR DISABLED PERSONS AT MILITARY GOLF COURSES.

(a) *PILOT PROJECT REQUIRED.*—The Secretary of Defense shall conduct a pilot project at a significant number of military golf courses, to be selected by the Secretary, for the purpose of developing—

(1) an implementation strategy to make available, as soon as practicable at all military golf courses in the United States, an adequate supply of golf carts that are accessible for disabled persons authorized to use such courses; and

(2) a Department-wide campaign to increase the awareness among such disabled persons of the availability of accessible golf carts and to promote the use of military golf courses by such disabled persons.

(b) *REQUIRED NUMBER OF ACCESSIBLE GOLF CARTS.*—The Secretary shall provide at least two accessible golf carts at each pilot project location.

(c) *PILOT PROJECT LOCATIONS.*—The military golf courses selected to participate in the pilot project shall be geographically dispersed, except that at least one of the military golf courses shall be in the Washington metropolitan area. The Secretary may not select a military golf course to participate in the pilot project if that military golf course already has golf carts that are accessible for disabled persons.

(d) *DEPARTMENT OF DEFENSE HEALTH CARE AWARENESS.*—Military medical treatment facilities shall provide information to patients about the pilot project and the availability of accessible golf carts at military golf courses participating in the pilot project and at other military golf courses that already provide accessible golf carts.

(e) *DURATION.*—The Secretary shall conduct the pilot project for a minimum of one year.

(f) *REPORT REQUIRED.*—Not later than 180 days after the conclusion of the pilot project, the Secretary shall submit a report to Congress containing the results of the project and the recommendations of the Secretary regarding how to make an adequate supply of accessible golf carts available at all military golf courses in the United States.

Page 241, line 6, strike “December 31, 2007” and insert “October 1, 2007”.

Page 249, line 12, strike “Section” and insert “Effective October 1, 2007, section”.

Page 249, line 14, strike “The” and insert “Effective October 1, 2007, the”.

At the end of subtitle D of title XXVIII (page 504, after line 7), insert the following new section:

SEC. 28. LAND CONVEYANCE, NORTH HILLS ARMY RESERVE CENTER, ALLISON PARK, PENNSYLVANIA.

(a) *CONVEYANCE AUTHORIZED.*—The Secretary of the Army may convey to the North Allegheny School District (in this section referred to as the “School District”) all right, title, and interest of the United States in and to a parcel of real property consisting of approximately 11.15 acres and containing the North Hills Army Reserve Center in Allison Park, Pennsylvania, for the purpose of permitting the School District to use the property for educational and recreational purposes and for parking facilities related thereto.

(b) *CONSIDERATION.*—The Secretary may waive any requirement for consideration in connection with the conveyance under subsection (a) if the Secretary determines that, were the conveyance of the property to be made under subchapter III of chapter 5 of title 40, United States Code, for the same

purpose specified in subsection (a), the conveyance could be made without consideration.

(c) REVERSIONARY INTEREST.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purposes of the conveyance specified in such subsection, all right, title, and interest in and to all or any portion of the property shall revert, at the option of the Secretary, to the United States, and the United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(d) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary shall require the School District to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the School District in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the School District.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

Strike sections 2853, 2854, and 2855 (page 506, line 1, through page 510, line 16).

The Acting CHAIRMAN. Pursuant to House Resolution 806, the gentleman from California (Mr. HUNTER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. HUNTER. Mr. Chairman, this is a manager's amendment that has been worked out with both sides. And briefly, Mr. Chairman, this adds a section to add \$4 million for the call of the fire trainer/joint fires and effects trainer with an offset of \$4 million from the Joint Tactical Radio System.

It adds a section to add \$6 million to the Air Force Science Engineering Lab Data Integration with an offset of \$6 million from IT, PE 0602301E.

It adds an exception for the non-line-of-sight cannon system from the requirement in section 346, subsection C.

It adds a section requiring the Secretary of Defense to submit a report on means to improve retention of members of the Special Operations Forces.

It strikes and replaces section 662 requiring the Secretary of Defense to conduct a pilot project for disabled persons accessible golf carts at military golf courses that allows our disabled personnel and wounded personnel to be able to participate in golf.

It incorporates a technical correction to the TRICARE effective dates in section 704 and 709 of the bill. It adds a section conveying Army Reserve Center land in Allison Park, Pennsylvania, to the local school districts; and it strikes sections 2853, 2854, 2855.

Mr. Chairman, I reserve the balance of my time.

Mr. ANDREWS. Mr. Chairman, even though we are not in opposition, I ask unanimous consent to claim the time.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. ANDREWS. Mr. Chairman, I yield back the balance of my time.

Mr. HUNTER. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. HUNTER).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. ANDREWS

Mr. ANDREWS. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 printed in House Report 109-459 offered by Mr. ANDREWS:

In section 312, insert after subsection (d) (page 63, after line 9) the following new subsection (e) (and redesignate existing subsection (e) as subsection (f)):

(e) EPIDEMIOLOGICAL STUDY ON HUMAN POPULATIONS.—The Secretary shall conduct an epidemiological study on human populations in the vicinity of military munitions disposal sites within covered United States ocean waters for the purpose of determining whether people have been affected by the presence of military munitions in these waters. The Secretary shall include the results of the study in the report referred to in subsection (a)(4).

The Acting CHAIRMAN. Pursuant to House Resolution 806, the gentleman from New Jersey (Mr. ANDREWS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. ANDREWS. Mr. Chairman, it surprised me to know, a little over a year ago to find that rather significant quantities of chemical weapons and the residue of chemical weapons had been dumped off the Atlantic coast at 19 different sites.

Now, it is important to understand that this dumping took place before an international treaty prohibited such dumping, so the United States was not in violation of any of its international obligations. And it is important to understand that much of this dumping took place at a time when our own Federal and State laws were either lax

or nonexistent with respect to the handling of such materials.

The purpose of my amendment is most definitely not to point out any wrongdoing by the Department of Defense or the services. However, it is the purpose of my amendment to do something about the problem and finding out about the scope of the problem. We are talking here about arsenic, mustard gas, other very serious and very lethal substances which have been disposed of off of our coast over a period which dates back as far as World War I and went into the early part of the 1970s.

Now, what to do about this question requires a calm, factual analysis. Frankly, there would be one reaction that would say, well, we should just go find where the stuff is and dig it up and do something with it. I am not an expert in this field, but I am enough of an expert to know that that kind of hasty reaction might do a lot more harm than good. So the bill already contains some extensive reporting requirements which requires the Department of Defense to tell us where such dump sites are, how long these various chemical weapons and residues have been there.

My amendment adds one more requirement. It calls for the Department of Defense to do an epidemiological study of the impact, if any, on human health that has resulted from the disposal of these weapons over the years. The amendment does not prescribe a particular method of the study. It does not limit or expand any of the areas of inquiry.

It says to the Department of Defense, use your best scientific judgment and produce for us epidemiological studies that will answer the question as to whether there has been any measurable adverse impact on human health as a result of these dumping practices that took place from the early part of the 20th century until the 1970s.

The purpose of this study would then be to give us the facts that we need to determine the best course of action to protect human health.

Now, that may be to simply leave the status quo as it is. It may be to enact some measures that would preclude people from going to these areas of the sea. It may necessitate some removal. I think it is very important though that we approach this problem based upon the best scientific evidence of the impact on human health and not based upon any reaction that is based upon fear or ignorance.

So I would ask that the Members of the House support this amendment so that we may get these facts in front of us and deal with disposing of any threat to humanity that may exist.

□ 1545

Madam Chairman, I reserve the balance of my time.

Mr. WILSON of South Carolina. Madam Chairman, although I am not opposed to the amendment, I request unanimous consent to claim the time in opposition.

The Acting CHAIRMAN (Mrs. BIGGERT). Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. WILSON of South Carolina. I am very happy to join with my colleague from New Jersey, and I share the same surprise as he that the accepted means of disposal of military munitions was to dump them off the coast.

I appreciate your efforts. I appreciate the efforts of our colleague, Congressman ABERCROMBIE of Hawaii, to raise this issue. I know personally that I had the privilege of growing up in Charleston, South Carolina, right on the coast. I now represent many beautiful and pristine communities along the south Atlantic coast.

These are areas crucial for homebuilding, which is the basis of our society. I want to do all I can to promote the homebuilding industry, the ability of people from New Jersey in particular to come down and visit some very beautiful resort areas of South Carolina.

Mr. ANDREWS. If the gentleman would yield, I would actually prefer that he rephrase that so that the South Carolinians visit the New Jersey coast, which is obviously a superior vacation spot.

Mr. WILSON of South Carolina. We can share this together, because I have visited the shores of New Jersey and I invite you to visit the beaches of South Carolina. This is so important.

In addition, I would like to point out that what you are proposing indeed would provide valuable information concerning the situation of military munitions disposal. It is really reassuring to know now how we have modern disposal methods.

My oldest son served for a year in Iraq. He had been trained for munitions collection and ultimate destruction of munitions. It is done now, obviously, with the intent of protecting the environment of the country in which they are located and to protect our troops, protect American families.

Madam Chairman, I yield back the balance of my time.

Mr. ANDREWS. Madam Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. All time having expired, the question is on the amendment offered by the gentleman from New Jersey (Mr. ANDREWS).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MR. ANDREWS

Mr. ANDREWS. Madam Chairman, on behalf of my friend from California, I offer her amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 printed in House Report 109-459 offered by Mr. ANDREWS:

Add at the end of title VII the following new section:

SEC. 7. LIMITING RESTRICTION OF USE OF DEPARTMENT OF DEFENSE MEDICAL FACILITIES TO PERFORM ABORTIONS TO FACILITIES IN THE UNITED STATES.

Section 1093(b) of title 10, United States Code, is amended by inserting "in the United States" after "Defense".

The Acting CHAIRMAN. Pursuant to House Resolution 806, the gentleman from New Jersey (Mr. ANDREWS) and the gentleman from Kansas (Mr. RYUN) each will control 10 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. ANDREWS. Madam Chairman, I yield as much time as she should consume to the author of the amendment, my friend from California.

Mrs. DAVIS of California. Madam Chairman, in his first appearance as our Commander in Chief, President Bush told servicemembers at Fort Stewart, you deserve a military that treats you and your families with respect. Well, I couldn't agree more.

Today we are considering how the defense bill can demonstrate our respect for the people who serve in uniform by providing for their equipment, their training and their well-being. Together with my colleagues today, I am offering an amendment to lift the current ban on abortion services in overseas military hospitals.

Under current law, women serving our country overseas have to return home to the U.S. for medical services after obtaining permission from their commanding officer and finding space on military transport. Their only other option is venturing out to a hospital in a foreign country.

Madam Chair, I believe we can do better. I would just like to clarify a few points about this amendment. No Federal funds would be used for those procedures. Women would use their own funds, and that would include overhead costs as well, for overhead costs. This amendment affects only U.S. military facilities overseas in countries where abortion is legal, and it also observes the refusal clauses and will not force providers to perform abortions.

Madam Chair, women serving in uniform are fighting to protect our freedom and our rights. Yet these women do not receive the protection of the Constitution they so ably defend. Even for those who don't require this service, the presence of this ban sends a demoralizing message. I believe we can do better.

Today, I have heard Chairman HUNTER and certainly Mr. McHUGH and others who have spoken so eloquently about how this bill incorporates important military personnel issues. I support this bill, and I support the work that went into it. I support the compassion and the passion of my colleagues on the House Armed Services Committee.

But I do believe, Madam Chair, that if we don't lift this ban we continue to make women serving in uniform, who face the intimate, most personal issue, we continue to make these women invisible to us.

Madam Chair, I reserve the balance of my time and look forward to my colleagues' comments.

The Acting CHAIRMAN. Without objection, the gentlewoman from California (Mrs. DAVIS) will control the time in favor of the amendment.

There was no objection.

Mr. RYUN of Kansas. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I strongly oppose this amendment. Allowing self-funded abortions would simply turn our military hospitals overseas into abortion clinics.

Proponents of this amendment often claim that female servicemembers and dependents overseas are denied equal access to health care, effectively putting their life and health in harm's way. This is simply not true. If a woman chooses to have an abortion, abortion clinics are accessible overseas. If a woman prefers to have an abortion in the United States, that is available to her under current law as well.

Furthermore, these installations already offer self-funded abortions when the life of the mother is in danger or when the pregnancy is as a result of rape or incest.

There is no demonstrated need for expanding abortion access. Furthermore, this amendment does not seek to address operational requirements or to ensure access through entitlement. What it does, however, is unnecessarily insert a politically divisive issue into the defense authorization process.

Although this amendment is presented as providing for solely self-funded abortions, the fact is that American taxpayers will be forced to pay for the use of military facilities, the procurement of additional equipment needed to perform abortions, and the use of military personnel to perform abortions. Even if an additional equipment fee is charged to the patient, it cannot possibly account for all the expenses involved.

Military hospitals or military doctors signed up to save the lives of dedicated servicemen and women, not to end the lives of babies. It would be wrong for Congress to pressure or coerce these doctors into performing a procedure they morally object to.

I ask my colleagues to vote against turning military hospitals into abortion clinics and vote against this amendment.

Madam Chairman, I reserve the balance of my time.

Mrs. DAVIS of California. Madam Chairman, I yield 2 minutes to the gentlewoman from California (Ms. HARMAN).

Ms. HARMAN. I thank the gentlewoman for yielding.

Madam Chair, I was proud to serve on the Armed Services Committee for 6 years. I have supported this amendment since I first offered it in 1997. I salute my California sisters, Mrs. DAVIS and Ms. SANCHEZ, who have ably taken up the cause.

I became a grandmother for the first time this year. I surely hope that before my granddaughter is old enough to serve in the military this amendment will become law.

Madam Chair, over 200,000 women serve in the U.S. military and approximately 12,000 currently serve in Iraq and Afghanistan. These women are flying helicopters and fighter aircraft. They are driving support vehicles, patrolling bomb ridden highways and shouldering weapons. They serve as an example and an inspiration to the women they meet around the world, and they break down stereotypes held by many men. Yet in some critical ways, women in the military are treated as second class citizens by their own government.

Under current law a servicewoman stationed abroad cannot obtain a safe, legal procedure to terminate a pregnancy in a U.S. military health facility. Instead, she must either take medical leave to return to the U.S. or gamble with a foreign hospital and face the prospect of language barriers, unfamiliar cultural expectations and vastly different standards of medical care. This is wrong.

Let me be perfectly clear. The amendment does not force military doctors to perform abortions, nor does it require any taxpayer dollars. What it does, however, is give servicewomen and female military dependents stationed abroad the same constitutional rights as women living here.

When an individual puts on the uniform of the U.S. Armed Forces, she or he accepts the profound responsibility of defending our Nation and protecting our cherished freedoms. A woman who puts her life on the line to defend the fundamental rights of all Americans should not be deprived of her own fundamental right to choose. Vote for the Davis-Harman-Sanchez amendment.

Mr. RYUN of Kansas. Madam Chairman, I yield 1 minute to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Madam — ?? Chairman, I rise today in opposition to the Davis amendment, which authorizes military doctors to perform abortions at military overseas hospitals. This policy was rejected every year for the last 10 years, and I look forward once more to voting against it.

Current law was signed by President Clinton in 1996 and bans the use of military facilities for abortions except in the case of incest, rape or where the life of the mother is at risk.

Rest assured, women in the military do have access to the elective medical procedures they want. Therefore, this debate is not about a woman's right to obtain treatment. This debate is about maintaining the principal mission of military medical centers to heal and to protect human life.

Madam Chair, this amendment overturns this mission and turns these facilities into abortion clinics at the American taxpayer's expense.

I, for one, will not support the use of Federal funds or military hospitals to promote or to perform abortions.

Mrs. DAVIS of California. Madam Chairman, I yield 1 minute to the gentlewoman from California (Ms. LEE).

Ms. LEE. I want to thank the gentlewoman for yielding and for her leadership. I rise in strong support of this amendment.

It would lift the ban on privately funded abortion care at overseas military bases where abortion is legal. Currently servicewomen or women military dependents are forbidden from using their own personal funds to obtain an abortion if they are stationed overseas.

Enacting this amendment will put an end to this discriminatory policy against the 350,000 women in our military who are serving our country each and every day. We must ensure that servicewomen overseas are guaranteed their legal right to access comprehensive health care services. We must demand that servicewomen overseas can obtain the same quality and range of medical care available to them in the United States.

We must protect those who risk their lives each and every day to protect their country. Let us reject this administration's ongoing politically motivated war on women and let's start by adopting this important commonsense amendment.

I urge my colleagues to vote "yes" on the Davis-Harman-Sanchez amendment and provide our servicewomen with access to their constitutionally protected right to choose.

Mr. RYUN of Kansas. Madam Chair, I yield 1½ minutes to the gentlewoman from North Carolina (Ms. FOXX).

Ms. FOXX. I thank the gentleman from Kansas.

Madam Chairman, I rise in strong opposition to the Davis amendment. Military treatment centers, which are dedicated to healing, nurturing and saving lives, should not be forced into the business of ending lives. This amendment, plain and simple, turns these facilities into abortion clinics by repealing a prolife provision, a prolife provision which was signed into law by President Clinton as part of the National Defense Authorization Act in 1996.

This amendment contradicts fundamental U.S. military values such as honor, courage and taking responsibility for one's own actions. We believe that life begins at conception and that it is sacred. As Members of Congress, we should do all we can to protect life. That is what our military hospitals are doing.

Instead, while we stand here today, opportunist pro-abortion Members are once again belittling and devaluing the sanctity of human life. If this inappropriate amendment were adopted, not only would taxpayers' hard-earned dollars be used to perform abortions on demand on our military bases, but our military medical personnel would be

forced to perform abortions against their will.

□ 1600

Instead of equipping our armed services personnel with the tools needed to operate and treat wounded or ill troops and defend America, this amendment would mandate that our military personnel perform abortions and kill human fetuses. This is unacceptable.

This amendment must be rejected today, just as it has been in the past five Congresses. I urge my colleagues to join me in protecting human life by voting against the Davis amendment.

Mrs. DAVIS of California. Madam Chairman, I yield 1 minute to the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ).

Ms. WASSERMAN SCHULTZ. Madam Chairman, American women have a constitutional right to choice as guaranteed by the right to privacy. However, our servicewomen and the wives and daughters of our servicemen are denied this basic right when stationed at military installations overseas. This amendment guarantees that women who selflessly pledge to defend our Constitution at all costs are afforded the same rights that they fight to uphold.

Current law allows women stationed overseas to access abortion services on a military base only after an act of rape or incest or when her life is in danger. It is bad enough that victims of rape or incest have to pay for these procedures out of their own pocket. But as American women, it is unconscionable that they cannot access the same safe, clean and legal reproductive services available to women here the United States, even if they are paying for it themselves.

Are we really asking these brave and noble women, who are ready to make the ultimate sacrifice, to relinquish the same rights that they fight so valiantly to uphold and defend?

I encourage my colleagues to stand with our servicewomen as they put their lives on the line. Lift the ban on privately funded abortions and support this amendment.

Mr. RYUN of Kansas. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise today in very strong opposition to this amendment. I voted against this amendment in the House Armed Services Committee just last week where it was overwhelmingly defeated, and I intend to vote against it today as well.

The health care professionals who serve our brave men and women in uniform in the military health system are dedicated to preserving life, and I have visited many military hospitals and witnessed the heroic efforts to preserve the lives of those wounded in battle, and we honor their service, we honor their dedication.

This amendment would allow these great lifesaving medical facilities to be used as abortion clinics, and abortion is not the mission of the military health system. The mission is to save lives, not destroy innocent human lives.

Mr. Chairman, I applaud the great service and the sacrifice of the dedicated health care professionals serving our military. These men and women face great challenges in healing those who have been wounded in battle, and through their efforts we have seen dramatic drops in the number of troops who die from these wounds. Their efforts have truly been heroic.

Let them continue to focus on saving the lives of our men and women in uniform, and not taking the most innocent of human lives.

I urge my colleagues to defeat this amendment.

Mrs. DAVIS of California. Mr. Chairman, I yield 1 minute to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Chairman, I rise in support of the Davis amendment which would lift the ban on personally funded abortion care provided at overseas military bases.

Since over 200,000 women serve overseas in military bases and are denied the right under *Roe v. Wade* to terminate a pregnancy, we need this legislation. This legislation would restore the right of a female service member who has been stationed overseas to use their own funds to obtain an abortion as they would be able to do if they were back home.

I urge adoption of this amendment. And I speak adamantly against our present policy that while allowing women who have been raped or been impregnated by a family member or whose life is in danger because of an unhealthy pregnancy to have an abortion, they have to pay for it themselves. That is wrong.

While we are not addressing this issue today at least we can move forward with the Davis amendment.

Mr. RYUN of Kansas. Mr. Chairman, I yield 2 minutes to the gentleman from Arizona (Mr. RENZI).

Mr. RENZI. Mr. Chairman, I thank the gentleman from Kansas for his leadership on this issue.

First and foremost, I stand against this amendment because it authorizes the destruction of innocent human life, the most innocent, the most defenseless, the voiceless in our society.

We talk about the fact that the cost will be provided by a private individual. Not true. This authorizes pro-life Americans to have to underwrite the cost of building the facilities, training the physicians, training the nurses, equipping the facilities. Underwriting the cost will be borne by pro-life Americans.

Requiring military hospitals to perform elective abortions exposes the physicians, the nurses, the military personnel to move against their own personal convictions of life in many

cases. Imagine a full colonel directing, giving military orders, to a young major who is prolife, a prolife doctor who is a major, giving him military orders to perform an abortion. His military career would be over.

The Most Reverend Edwin O'Brien, Archbishop for Military Services, said, "Military hospitals have an outstanding record of saving life even in the most challenging times and conditions. Their commitment extends to the smallest of human beings. Please allow them to continue abiding by these values."

I stand by those Americans, those prolife Americans, who do not want to underwrite and have our prolife dollars going to military hospitals. I stand by those prolife doctors and nurses who don't want to be given military orders to perform an abortion.

Mrs. DAVIS of California. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mrs. MALONEY).

Mrs. MALONEY. Mr. Chairman, I thank the gentlewoman for yielding.

Mr. Chairman, I rise in strong support of this amendment. This amendment is about treating the women who serve our country in the United States military fairly and with respect.

Current law forbids female military personnel from obtaining abortions using their own funds from overseas military hospitals. This amendment allows U.S. servicewomen access to reproductive health care abroad, just as they would receive at home.

A male member of the armed services needing medical attention receives the best, and all his medical needs are covered. But a female member needing a specific medical procedure must return to the United States, often at great expense, or go to a foreign hospital, which may be unsanitary and dangerous. This is absolutely wrong and unfair.

No taxpayer money would be used to fund any abortions. The servicewomen themselves would pay for their own care. The amendment would simply lift the ban on privately funded abortion care in U.S. military hospitals.

Right now, many women are overseas protecting our constitutional rights. We should protect their constitutional rights by passing this amendment.

Mr. RYUN of Kansas. Mr. Chairman, at this time, I am pleased to yield 1 minute to the gentleman from Nebraska (Mr. FORTENBERRY).

Mr. FORTENBERRY. Mr. Chairman, thank you for this opportunity to join my colleagues in challenging this amendment which has been defeated by the full House for 10 consecutive years.

The core purpose of our military hospitals is to care for servicemen and women, particularly those who are wounded in the line of duty defending our country.

U.S. taxpayers should not be forced by the government to have their hard-earned funds used for the taking of innocent human lives. They should con-

tinue to have the free choice to say "no" to funding abortions.

The U.S. military health care facilities overseas witness more than their fair share of violence. Military health care personnel understand that the Hippocratic Oath is a solemn commitment to heal and nurture life. Let's not abandon this legacy and force our constituents to foot the bill.

Women deserve better than abortion. As a people, we should strive to be a just and loving society that does not abandon persons to the choice for abortion, particularly at taxpayer expense, but helps women even through the most difficult circumstances.

Mrs. DAVIS of California. Mr. Chairman, I have one more speaker and will close. I reserve the balance of my time.

Mr. RYUN of Kansas. Mr. Chairman, I yield 1 minute to the gentleman from Arizona (Mr. FRANKS).

Mr. FRANKS of Arizona. Mr. Chairman, first and foremost, America is an ideal, and that ideal is that all of us are created equal and endowed by our Creator with certain inalienable rights, and the first one of those is the right to live. Our men and women across the centuries have fought and died to uphold that ideal.

Now, suddenly, to turn the hospitals that we set forth to deal with their needs overseas into abortion clinics abrogates everything that they fought and died for. It is an undermining of everything that America is.

Our foundation is to be able to look to people across the world and say that in America, life, liberty and the pursuit of happiness, life, liberty and property, these basic rights are something that we will protect.

I hear the other side often using terms like "safe," "legal," "clean," but it ignores one absolute reality, and that is that every time an abortion takes place, a nameless little baby dies a lonely, tragic death, a mother is never the same, and everything that child might have brought to humanity is lost forever.

God help us not to turn our military hospitals into abortion clinics, and to stain the very foundations of this Nation with the blood of our own children.

Mrs. DAVIS of California. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I will be happy to yield back some of that time to the distinguished proponent of this amendment. I thank her for her leadership, and the leadership of Ms. HARMAN and Ms. SANCHEZ.

Mr. Chairman, I simply want to say that this is a question certainly of the flag and the Declaration of Independence and the rights of all Americans. But what it says is that the men and women of the United States military have equality, the equal rights to good health care and health procedures all over the world, wherever they serve.

This is a good amendment. I associate myself with this amendment, and

I ask that you vote for the men and women of the United States military and allow this amendment by Mrs. DAVIS, Ms. HARMAN, Ms. SANCHEZ, to support the women of the United States military to have equal access to good health care and to be able to secure appropriate procedures regarding their female surgical needs at overseer military facilities.

Mr. RYUN of Kansas. Mr. Chairman, I yield the balance of my time from this side to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Chairman, I thank my friend for yielding.

Mr. Chairman, the Davis amendment seeks to turn our military hospitals into abortion mills. With all due respect to my friend and colleague from California, the amendment will result in babies being brutally killed by abortion, and women will be harmed and prolife Americans will be forced to facilitate and subsidize the slaughter of innocent children.

Abortion is violence against children, Mr. Chairman, and it harms women. Some methods including dismembering and ripping apart the fragile bodies of these children. Other methods include chemical poison. RU-486, a baby pesticide that was rushed to approval by the Clinton administration bypassing safety protocols along the way isn't just lethal to babies; it kills women as well. It is poison. Several women have died after taking RU-486.

Mr. Chairman, one of the methods depicted to my left is the D&E method. It is a common later-term method of abortion in which the arms and the legs and the torso of the baby are painfully hacked into pieces. The Davis amendment, make no mistake about it, would authorize this kind of child abuse.

Mr. Chairman, we can't allow that to happen. We can't kill babies like this. With all due respect to my friend, this is child abuse and it harms women. Vote against the Davis amendment.

Mr. Chairman, I thank my friend for yielding me time, and I thank him for his affirming the inherent value and dignity of both mothers and children.

Mr. Chairman, 90 percent of the hospitals in the United States today refuse to abort unborn children, and the trend is for hospitals to divest themselves of this violence against children.

Yet as hospitals in our country repudiate abortion, because abortion kills, the Davis amendment seeks to turn our overseas military hospitals into abortion mills. With all due respect to the gentlewoman from California, the amendment she offers will result in babies being brutally killed by abortion. It will harm women, and it will force pro-life Americans to facilitate and subsidize the slaughter of innocent children.

Abortion is violence against children and it harms women. Some methods of abortion dismember and rip apart the fragile little bodies of children. Other methods chemically poison kids. RU-486—a baby pesticide that was rushed to FDA approval by the Clinton Administration by waiving numerous safety protocols

including the use of Subchapter H—isn't just lethal to babies, but has killed several women. It is poison. Abortion has turned children's bodies into burned corpses, the direct result of the caustic effect of the chemicals.

Now we know as well, Mr. Chairman, from science and from medicine that due to the nerve cell development, unborn children from at least 20 weeks onward, and most likely even earlier, feel excruciating pain. They feel pain, two to four times more pain than you and I would feel from the same assault. So abortion mills aren't just child killing mills—but they are torture chambers as well.

One of those methods depicted to my left on this poster board, the D and E method, it is a common, later-term method of abortion, in which the arms and the legs and the torso are painfully hacked into pieces. The Davis amendment would authorize this child abuse in military hospitals. We can't let that happen.

Finally, Mr. Speaker, Dr. Alveda King, niece of the late Dr. Martin Luther King, has said, "How can the dream survive if we murder the children?"

Dr. King, who has had two abortions herself, but is now pro-life and bravely speaks out, says, "We can no longer sit idly by and allow this horrible spirit of murder to cut down and cut away our unborn. This is the day to choose life." Dr. King goes on to say, "We must allow our babies to live. If the dream of Dr. Martin Luther King is to live, our babies must live."

There is nothing benign or nurturing or curing about abortion. It is violence against children. It dismembers them. It chemically poisons them.

Vote down the Davis amendment.

Mrs. DAVIS of California. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, as we consider this amendment today, I want to urge my colleagues to reflect on the following: We ask women to serve in the military. We trust women in the military to secure our safety. We ask women to put their lives at risk for our freedoms. They have saved many lives as they have gone to war for us.

So I ask you, ladies and gentlemen, let us not turn our backs on the women in uniform in our country.

The Acting CHAIRMAN (Mr. CULBERSON). All time having expired on this debate, the question is on the amendment offered by the gentleman from New Jersey (Mr. ANDREWS).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mrs. DAVIS of California. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Jersey will be postponed.

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AMENDMENT NO. 4 OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 printed in House Report 109-459 offered by Ms. JACKSON-LEE of Texas: Page 117, after line 6, add the following new subparagraph (B) (and redesignate existing subparagraphs (B) and (C) accordingly):

“(B) the frequency of assignments during service career;”.

The Acting CHAIRMAN. Pursuant to House Resolution 806, the gentlewoman from Texas (Ms. JACKSON-LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the chairman and ranking member of a committee that really protects the lives of our soldiers on the front line and their families.

Mr. Chairman, I hope today that my colleagues will join me in a bipartisan effort to give a gift to our soldiers' families. I understand the gravity of this bill, both in the consequences that these provisions will have on our ability to protect and defend ourselves at home and abroad as well as the debate and consideration of which our colleagues on the Armed Services Committee engage to do this good job on behalf of the men and women of the Armed Forces.

For this particular reason, I would like to call attention to a clarification that is needed when providing for fair treatment of members in the Selected Reserve and Individual Ready Reserve. Members of the Individual Ready Reserve are former enlisted soldiers and officers who have some military service obligation remaining but who choose not to fulfill it in the Guard or Reserve.

Unlike members of the National Guard or Reserve, Individual Reserves do not perform regularly scheduled training and receive no pay unless they are called up.

Mr. SKELTON. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, let me compliment the gentlewoman on this amendment. It eminently makes sense. It adds the words that the frequency of assignments during service career as one of the several factors that the Secretary of Defense should consider in calling Selected Reservists to active duty.

I think it is well done. As you know, a good number of them have been asked on a frequent basis to serve, when in truth and fact, if they look at the records closely, they might not very well have called those particular people. It just requires them to consider and take a good look at it. I compliment the gentlewoman.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I reserve the balance of my time.

Mrs. DRAKE. Mr. Chairman, although I am not opposed to the amendment, I request unanimous consent to claim the time in opposition.

The Acting CHAIRMAN. Without objection, the gentlewoman's request is so ordered.

There was no objection.

Mrs. DRAKE. Mr. Chairman, section 511 of the underlying bill establishes several factors that should be considered when deciding whether a member of the Selected Reserve should be involuntarily mobilized under what is known as Presidential Select Reserve.

These factors include length and nature of previous service and family responsibilities. This amendment adds an additional category, frequency of assignments throughout a career.

For the last 15 years, the members of the Reserve components have responded magnificently when mobilized. They have answered the Nation's call repeatedly in Desert Storm, Kosovo, Afghanistan, Iraq and other places. So smoothly have these mobilizations gone that it is sometimes easy to forget that each time the orders went out jobs were set aside, lives were disrupted and dreams were put on hold.

This amendment recognizes the fact that Reservists have been repeatedly mobilized and that as long as they remain members of the Reserve components they will be subject to future mobilizations. The decision to involuntarily mobilize members of the Selected Reserves should never be taken lightly, and the commitment and dedication of these men and women should never be unfairly tasked.

This amendment recognizes these ideals. I commend the gentlewoman from Texas for offering it. Mr. Chairman, I support this amendment and ask my colleagues to do the same.

Mr. Chairman, I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I thank the gentlewoman for her kind support. Might I just say that in joining in a bipartisan manner, I am pleased that this provision recognizes and takes into account the fact that a Reservist and a National Guard member needs the support and love of his or her family, or that the needs of a family and a home are highly valued by our military and our country.

The inclusion of this passage and this language in the bill affirms and asserts the fact that we are a Nation of morals and honorable decision makers. The length and nature of previous service also should have a large part in the consideration of recalling a Reservist back to duty.

The bill specifies that this provision is to share any exposure to harmful materials in order to stay within the reasonable limits of national security and military standards. Therefore, the frequency of assignment is also an important question, and the fact that we are clarifying it today and instilling and including that in the bill is going to give Reservists and National Guard families a great deal of celebration.

Let me tell you a very pointed story. One constituent from Houston who was born in Texas, has lived his whole life

in Texas, called because he was confused and concerned, not because he did not love his country, not because he did not enjoy serving, but he wanted to try and understand the fact that he was redeployed three times in a 4-year period, a man who has a family, had a job, and of course we know it was mentally and emotionally draining and of course heart-breaking to leave his family.

Therefore, this amendment will help the many Reservists and families and the National Guard families all over America. Serving your country is noble, honorable and generates pride in one's self and one's country. Re-serving your country is no less noble. That is the constituency we serve today. Yet it can damage morale, particularly if the individual is not career military, if we do not take into consideration the frequency of their service.

I thank my colleagues, and I ask my colleagues to support this amendment on behalf of the military families all over America, Re-reservists and National Guard who will benefit from understanding their plight and their situation.

Mr. Chairman, I appreciate the opportunity today to offer an amendment to the National Defense Reauthorization Act that clarifies the factors that must be taken into consideration when recalling a reservist to service to include the frequency of assignment over the duration of a reservist's career.

I understand the gravity of this bill, both in the consequences that these provisions will have on our ability to protect and defend ourselves at home and abroad, as well as the debate and consideration in which our colleagues on the Armed Services Committee engaged.

For this particular reason, I would like to call attention to a clarification that is needed when providing for fair treatment of members in the Selected Reserve and Individual Ready Reserve.

Members of the Individual Ready Reserve are former enlisted soldiers and officers who have some military service obligation remaining but who chose not to fulfill it in the Guard or Reserve. Unlike members of the National Guard and Reserve, individual reservists do not perform regularly scheduled training and receive no pay unless they are called up.

Forty percent of American troops in Iraq are from National Guard and Reserve units. For many, the financial sacrifices are great. Many lose the salaries they were earning in the private sector, and their families are struggling to pay bills. 57 percent of National Guard members and reservists have cited too many activations and/or deployments as a reason to leave the military, and 66 percent of Guard members and reservists express that they are likely to continue in the Guard or Reserve.

In the case where it is necessary for these reserves to be recalled to duty without their consent, the bill currently provides for appropriate consideration to be given to the length and nature of previous service, family responsibilities, and employment necessary to maintain the national health, safety, or interest.

I am pleased that this provision recognizes and takes into account the fact that a reservist needs the support and love of his or her fam-

ily, or that the needs of a family and a home are highly valued by our military. The inclusion of this passage in the bill affirms and asserts the fact that we are a nation of moral and honorable decision-makers.

The length and nature of previous service also should have a large part in the consideration of recalling a reservist back to duty. The bill specifies that this provision is to share any exposure to harmful materials in order to stay within the reasonable limits of national security and military standards.

Related to this, however, is the fact that the frequency of assignment must also be taken into consideration. As we have seen, our reservists are brave citizens and soldiers who have willingly traveled to the other side of the world to defend their homeland. If these were career military we were talking about, I do not think that frequency should necessarily be considered.

However, we must take the occurrence, and not just the length of time, of previous service into account when recalling reservists. One tour of four years is substantially different than four tours of one year. I am not making a qualitative or quantitative judgment, or that one reservist should be preferred over another.

One constituent from Houston, who was born in Texas and has lived his whole life in Texas, called because he was confused and concerned that the 4 years he served over a 6 year time span would not be recognized by the military as he thought it should be. His three separate deployments were mentally and emotionally heartbreaking, and I heard his point clearly: His situation should be considered as dissimilar to an individual who had been deployed once and served 4 non-interrupted years.

The number of times an individual has been deployed must be included when recalling a reservist to duty, just as are family responsibilities, previous length and nature of service, and employment consequences.

Serving your country is noble, honorable, and generates pride in oneself and one's country. Re-serving your country is no less noble, yet can damage morale, particularly if the individual is not career military.

I urge my colleagues to support this measure.

Mr. Chairman, I yield back the balance of my time.

Mrs. DRAKE. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I demand a recorded vote.

This is a bipartisan amendment that is supported by Members on both sides. In order to give our Reservist families a moment of celebration, I would like the yeas and nays so that they can see the vote on the floor in support of Reservists and National Guard families.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Texas will be postponed.

AMENDMENT NO. 5 OFFERED BY MR. TANNER

Mr. TANNER. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 printed in House Report 109-459 offered by Mr. TANNER:

At the end of subtitle D of title V (page 131, after line 20), add the following new section:
SEC. 534. REPORT ON USING SIX-MONTH DEPLOYMENTS FOR OPERATION ENDURING FREEDOM AND OPERATION IRAQI FREEDOM.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of the Army should continue to further evaluate and consider—

(1) the potential benefits of converting to six-month overseas deployments for members of the Army, including members of the Army National Guard and the Army Reserve, in connection with Operation Enduring Freedom and Operation Iraqi Freedom; and

(2) the potential impacts of such reduced deployment periods on morale, recruiting, retention, readiness, and the conduct of military operations.

(b) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Army shall submit to Congress a report containing—

(1) the results of any surveys conducted with soldiers and their dependents by the Department of the Army regarding the proposal to reduce deployment times for members of the Army in connection with Operation Enduring Freedom and Operation Iraqi Freedom to a maximum of six months;

(2) potential plans for the Department to implement such reduced deployment times;

(3) a discussion of potential benefits associated with implementation of such reduced deployment times, such as improved members and family morale and increased recruiting and retention; and

(4) a discussion of potential drawbacks associated with implementation of such reduced deployment times, such as impacts on readiness, the conduct of operations, and forecasted additional costs.

The Acting CHAIRMAN. Pursuant to House Resolution 806, the gentleman from Tennessee (Mr. TANNER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Tennessee.

Mr. TANNER. Mr. Chairman, the Army has been talking about adjusting the length of deployment in some manner, and there has been ongoing discussions about that with the Army Chief of Staff and others, and this amendment merely asks the Secretary of the Army to give to the Congress a report on the relative pros and cons, what they are finding out and what they intend to do within I believe it is 90 days of the date this amendment passes.

Mr. Chairman, I would urge acceptance of this amendment.

Mr. Chairman, I reserve the balance of my time.

Mrs. DRAKE. Mr. Chairman, although I am not opposed to the amendment, I request unanimous consent to claim the time in opposition.

The Acting CHAIRMAN. Without objection, the gentlewoman's request is so ordered.

There was no objection.

Mrs. DRAKE. Mr. Chairman, I rise in support of the amendment. I thank the gentleman for his amendment and for the opportunity to evaluate the length of time served.

Mr. Chairman, I urge all of my colleagues to support the amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. TANNER. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee (Mr. TANNER).

The amendment was agreed to.

Mrs. DRAKE. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. FRANKS of Arizona) having assumed the chair, Mr. CULBERSON, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5122) to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2007, and for other purposes, had come to no resolution thereon.

CONFERENCE REPORT ON H.R. 4297, TAX INCREASE PREVENTION AND RECONCILIATION ACT OF 2005

Mr. THOMAS. Mr. Speaker, pursuant to House Resolution 805, I call up the conference report on the bill (H.R. 4297) to provide for reconciliation pursuant to section 201(b) of the concurrent resolution on the budget for fiscal year 2006.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 805, the conference report is considered read.

(For conference report and statement, see proceedings of the House of May 9, 2006, at page H2209).

The SPEAKER pro tempore. The gentleman from California (Mr. THOMAS) and the gentleman from New York (Mr. RANGEL) each will control 30 minutes.

The Chair recognizes the gentleman from California.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased that the House is finally able to take up the conference report. The last time the House visited the Reconciliation Act of 2005 was in December of last year. The minority was very much concerned about dealing with the alternative minimum tax problem facing millions of American taxpayers.

We were also concerned, primarily on this side of the aisle, with making sure that the economy continued its robust growth. I am very pleased to announce today that there should be near unanimous support on the other side of the aisle for this reconciliation agreement.

When we offered the alternative minimum tax outside of reconciliation, we

got 414 votes for providing that alternative minimum tax relief outside of reconciliation.

Subsequent to the House passing the reconciliation measure, my friends on the other side of the aisle offered, not once but twice, motions to instruct to require the conference to place in the reconciliation measure alternative minimum tax repeal.

It is my pleasure to announce today that the wishes of my friends on the other side of the aisle have been granted. The alternative minimum tax, in the most comprehensive way ever offered, is part of this package; because it is so comprehensive, that more than 15 million Americans will not pay the alternative minimum tax once this bill becomes law in 2006, and that, in addition, more than 2 million taxpayers will not have any liability because of this bill. Because of its comprehensive nature, this is the only opportunity for Members of the House to vote to provide alternative minimum tax relief to taxpayers.

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And so I look forward to having my colleagues join me since we have provided in the reconciliation package what they have voted for and have asked for.

I am also pleased to announce to my friends on both side of the aisle that this measure also contains a provision which extends one of the primary stimulus factors in the economy, and that is the ability to pay only a 15 percent tax on dividends for investing in the economy and 15 percent on capital gains for taking a risk opportunity in the economy.

I will say for those items that were in both the House and the Senate bills that are not part of this package, we are working on an additional important tax relief package which will provide that opportunity. And I know my colleagues on the other sides of the aisle, especially those who represent the States that will see the greatest relief under the alternative minimum tax, those Members who represent the States of California, New York, Florida, Pennsylvania, Massachusetts, New Jersey, they will be pleased to note that a "yes" vote on this reconciliation measure provides the tax relief and, I might underscore, the only opportunity for tax relief on the alternative minimum tax measure.

I might say in the reverse, that if a Member does not vote for this measure, they are, in essence, then voting to raise taxes on more than 15 million Americans.

Mr. Speaker, I reserve the balance of my time.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, well, the Republicans are coming. The Republicans are coming. The Republicans are coming with relief for the alternative minimum tax. It is the same way they were coming to give our older people prescription